

10/14/25

**Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
August 8, 2025**

This is to certify that the Minutes contained herein are a true and accurate account of actions taken by the Alabama Environmental Management Commission on August 8, 2025.



**Kevin McKinstry, Commissioner
Alabama Environmental Management Commission**

Certified this 10th day of October 2025.

**Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
August 8, 2025**

**Convened: 11:00 a.m.
Adjourned: 11:14 a.m.**

Part A

**Transcript
Word Index**

Part B

**Attachment Index
Attachment 1
Attachment 2**

Part A

Page 1 MEETING OF THE ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION LOCATION: ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM) BUILDING ALABAMA ROOM 1400 COLISEUM BOULEVARD MONTGOMERY, ALABAMA 36110-2400 DATE: FRIDAY, AUGUST 8, 2025 TIME: 11:00 A.M. ***** REPORTED BY: ELAINE F. BRADLEY, CCR ABCR #354 Commissioner for the State of Alabama at Large	Page 2 1 APPEARANCES 2 COMMISSION MEMBERS PRESENT: 3 A. FRANK McFADDEN, P.E., CHAIR 4 KEVIN MCKINSTRY, VICE CHAIR 5 JOHN (JAY) H. MASINGILL, III 6 J. PATRICK TUCKER, M.D. 7 RUBY L. PERRY, D.V.M. 8 9 COMMISSION MEMBERS NOT PRESENT: 10 MARY J. MERRITT 11 H. LANIER BROWN, II, ESQ. 12 ALSO PRESENT: 13 LINDSAY BARTON, ESQ., EMC LEGAL COUNSEL 14 EDWARD POOLOS, ADEM DIRECTOR 15 DEBI THOMAS, EMC EXECUTIVE ASSISTANT 16 17 18 19 20 21 22 23
Page 3 1 MR. MCFADDEN: Welcome everyone 2 to the August 8th Environmental 3 Management Commission meeting and we 4 will call the meeting to order at 5 11:00 a.m. and we do have a quorum, 6 five total. So, we're good to go. 7 First order of business 8 will be consideration of the minutes 9 of the meeting held on June 13th, 10 2025. The Chair notes that Agenda 11 Item 1 are those minutes, and I'll 12 entertain a motion regarding the 13 minutes. 14 MR. MASINGILL: I move to adopt 15 the minutes. 16 MR. TUCKER: Second. 17 MR. MCFADDEN: Motion and a 18 second. All in favor raise your 19 right hand. 20 (All members in favor.) 21 MR. MCFADDEN: All opposed? 22 (No response.) 23 MR. MCFADDEN: None oppose,	Page 4 1 motion carries. 2 Okay. Item number two, the 3 inaugural report from the new 4 Director that caused us to be here 5 four hours last time. Make it short. 6 MR. POOLOS: I started to say I 7 hope I wasn't the cause. I'll take 8 part of the blame for that. 9 MR. MCFADDEN: Welcome, Ed. 10 MR. POOLOS: Good morning. It 11 is great to see everybody here today. 12 I want to say, first of 13 all, what an honor it is for me to 14 stand before you as the Director of 15 ADEM and it is quite an honor. 16 Last Friday was my first 17 day. So, I've been here officially 18 seven days today. So, it's exciting 19 to be here. So, it's been a 20 whirlwind last week, but I do want to 21 take a second to — the first thing I 22 want to do is thank Jeff Kitchens as 23 the deputy for, A, carrying on for

1 (Pages 1 to 4)

Page 5	Page 6
1 the Department during the transition 2 and everything that he's done for me 3 in getting me prepared. I am 4 extremely thankful that he is here. 5 So, I want to thank him publicly for 6 that. 7 I know the last Commission 8 meeting was probably the longest one 9 in ADEM history and I don't think 10 anybody is going to complain, but I 11 think today may be one of the shorter 12 ones. So, that's a good thing. I 13 would say don't get used to it but 14 today -- but today should be shorter. 15 The first item that I have 16 that I want to discuss with you is 17 the EPA federal budget. As you may 18 remember in Jeff's presentation in 19 June, the largest impact that we have 20 here as an agency is on the 21 categorical grants. 22 The President's budget, the 23 categorical grants and the	1 President's budget that was released 2 zeroed out those categorical grants. 3 In June, Jeff presented on that. 4 Since that time, we have 5 seen a markup from both the House and 6 the Senate. The House and the 7 Senate, the markups looked a lot 8 better than the presidential budget. 9 It has put most of those categorical 10 grants back at a -- not at the full 11 amount but at a good amount. So, 12 that is good news. 13 It's obviously something 14 we're going to have to continue to 15 watch over time. But that is good 16 news and much better than where we 17 were -- where we were in June. 18 We're still not out of the 19 woods. We still have to watch that 20 and make sure that we know this is 21 just the first year of the 22 quadrennium. So, we know more will 23 probably be coming. So, we've got to
Page 7	Page 8
1 prepare for that and we intend to do 2 that. 3 On the State Revolving Loan 4 Program side, it's not quite as good. 5 The numbers are about the same but 6 there's carve-outs in that. So, as a 7 state, we will probably see less 8 money on the SRF on those programs. 9 Both Jeff and I, we will be 10 at the State Director's meeting the 11 first of September with all the other 12 state directors. We know this will 13 be a large topic of conversation. 14 So, we'll present back to you what we 15 hear and we'll keep a close eye on 16 that. 17 The second item and another 18 item I would like to bring to your 19 attention, it was the recognition of 20 former Air Division Chief Ron Gore. 21 He was posthumously awarded the air 22 conservationist of the year award at 23 AWF's Governor's conservation awards	1 last Friday night. I know Kevin was 2 there. 3 His wife and son accepted 4 that award for him. It was so well 5 deserved. Ron meant a lot to the 6 agency and a lot to the community. 7 It was a good night and we were 8 thrilled for that to occur and we 9 appreciate AWF and the Governor's 10 office making that recognition. So, 11 that was a good night. 12 Another topic that I know 13 we talk about and that I want to 14 touch on today is that's personal 15 achievements of our employees. 16 That's -- it's very important to the 17 Department to have good, qualified 18 employees and today I want to -- I 19 want to recognize three individuals 20 that have been granted their 21 professional engineering license. 22 That is a long, difficult 23 process and I want you to join me in

Page 9 1 congratulating these three 2 individuals. 3 The first one — and please 4 stand when I say your name, Hayden 5 Willis. 6 I met these this morning. 7 So, you know — so, Hayden, 8 congratulations. 9 MS. WILLIS: Thank you. 10 MR. POOLOS: Next is Ben King 11 from the Land Division. I met Ben 12 ten minutes ago, and Will Montgomery. 13 He's in the Land Division, as well. 14 I met him last night at a Biscuit's 15 game. Congratulations. That's a 16 huge accomplishment. 17 The last item I wish to 18 update you on is the water quality 19 petition and the requirement for the 20 Department to initiate rule-making 21 procedures. 22 First, I want to tell you 23 that we have initiated rule making	Page 10 1 procedures as required — as 2 requested by the petition and 3 subsequently required by the order of 4 the Commission. 5 Last Friday, my first day 6 on the job, I submitted to Dr. Scott 7 Harris, the State Health Officer, a 8 letter requesting consultation by the 9 Alabama Department of Public Health 10 to assist in determining numeric 11 criteria for the twelve pollutants 12 included in the petition. 13 Our intended timeline for 14 the Department to determine value, in 15 consultation of Public Health will 16 incorporate them into a draft 17 proposed rule and proceed with public 18 notice and comments as soon as 19 possible. 20 I wish I could give you a 21 specific time frame as to when this 22 consultation would be concluded. 23 However, this is the first
Page 11 1 consultation that has occurred while 2 Dr. Harris has been the State Health 3 Officer and Dr. John Guarisco has 4 been the State Toxicologist. 5 So, we understand their 6 need to better understand their role 7 in this matter. 8 Once I sit down with Dr. 9 Harris, I should have better 10 information and will obviously keep 11 you updated on this. 12 That's all I've got. If 13 y'all have questions, Jeff would love 14 to answer them. 15 MR. MCFADDEN: Thank you, Ed. 16 Appreciate that. So, yeah. 17 Item three will be the 18 Chair's report. I don't have a 19 formal report, to keep this short, 20 but I do want to formally welcome our 21 new Director Poolos and thank Jeff 22 Kitchens for your standing in there 23 in the gap, and a pretty big gap, two	Page 12 1 months ago. So, a little roughed up 2 with that, I guess. 3 So, we appreciate that, 4 Jeff, and Ed, we're looking forward 5 to you carrying on the legacy that 6 Lance LeFleur had here and put your 7 own spin on all that and your own way 8 of doing things. We know you're 9 going to do a great job. 10 The only thing I'll say 11 about the petition, just for some 12 kind of clarification, this body here 13 wants to do the right thing. We want 14 to do what our rules and regs say we 15 have to do. That was sort of the 16 intent of this. So, the petition was 17 granted. 18 We know — I mean, you 19 know, the Department has worked 20 diligently for years on that same 21 subject, on Water Quality 22 Regulations. We do it all the time. 23 So, you know, we know that

Page 13 1 this is a hard subject to get -- you 2 know, get your hands around and get 3 the right data to make the right 4 decision. 5 I commented to my 6 Commissioners here, it's sort of like 7 climate change data. You can find 8 data way over here to the left, way 9 over here to the right and you can go 10 point to some particular piece of 11 data and find what you want. But we 12 want to find the right piece of data 13 for these toxic chemicals. 14 If there's something that's 15 just -- you know, a terribly bad 16 actor, we have to address that. If 17 not, then we don't. Or however we do 18 it, we have to have good data to back 19 it up. 20 So, that is not an easy 21 thing. I can tell you, I live in a 22 little bit of that world. It's just 23 -- it's just not the easiest thing to	Page 14 1 do, and the expertise is varying. 2 So, I know the Department 3 is hunkering down, trying to get that 4 with the Health Department's input 5 and others to get the very best we 6 can to make that -- you know, make 7 that -- those chemicals a concern. 8 You know, it was a hundred 9 -- what, Jeff -- a 110, 101 -- 101 10 total chemicals and these twelve were 11 taken out to look at immediately. 12 So, I hope this process 13 will kind of give us, you know, a 14 path forward. Getting a little nudge 15 is okay. That's fine. We understand 16 that and appreciate that. 17 But the Commission wants to 18 do the right thing and have the right 19 data. We don't want to overly burden 20 our industries or overly burden 21 municipalities and yet we want to 22 protect our natural resources and our 23 water. I live in Mobile and I play
Page 15 1 in that end of it all the time, in 2 Mobile Bay and the gulf and 3 everything up here goes in the bay 4 down there. 5 So, anyway, that's my 6 semi-report or comments on that. We 7 look forward to going forward with 8 this process and with Todd -- Todd 9 Carter, our attorney, and others 10 helping in that. We appreciate the 11 good work on that. 12 Okay. Item Agenda Item 13 Number 4 is consideration of proposed 14 amendments to the ADEM Administrative 15 Code, Division 335-3, Air Pollution 16 Control Program Regs, and we'll hear 17 from the Department. 18 MR. WHITE: Good morning, 19 Honorable Chair and Commissioners. 20 I'm Aubrey White from the 21 Department's Air Division. 22 Before you today are 23 proposed revisions to the Division	Page 16 1 three, Air Regulations. This rule 2 making would accomplish three basic 3 things. 4 One, we propose to 5 incorporate several new EPA -- new 6 source performance standards and 7 emission standards for hazardous air 8 pollutants. 9 We routinely do this about 10 every one to two years so that we can 11 enforce the most recent EPA 12 regulations here in Alabama. 13 Second, we propose to 14 remove the affirmative defense 15 provisions from Chapter 16. That's 16 in response to EPA's removal of these 17 provisions from the federal 18 regulations. 19 Lastly, we propose to 20 remove some trigger language related 21 to startup, shutdown and load change 22 from Chapters 14 and 15. 23 We held a public hearing on

Page 17 1 July 7th for these rules. That 2 culminated in a 45-day public comment 3 period. 4 We received two sets of 5 written comments on the rules, which 6 we have resolved as shown in your 7 packet. 8 We respectfully request 9 your favorable consideration of these 10 rules and I would be happy to answer 11 any questions you may have. 12 MR. MCFADDEN: Does anyone have 13 any questions for Aubrey? Okay. 14 Do I have a motion to adopt 15 the amendments? 16 MR. MCKINSTRY: Move to adopt 17 the proposed amendments. 18 DR. PERRY: Second. 19 MR. MCFADDEN: Motion and a 20 second. All in favor, raise your 21 hand. 22 (All members in favor.) 23 MR. MCFADDEN: All opposed?	Page 18 1 (No response.) 2 MR. MCFADDEN: Motion carries. 3 Thank you. 4 Signatures. Agenda Item 5 Number 5, any other business to come 6 before the Commission? 7 (No response). 8 9 MR. MCFADDEN: Hearing none, 10 we'll go to Agenda Item Number 6, 11 future business. I note the next 12 Commission meeting is October 10th, 13 2025, at 11:00 a.m. Commissioners 14 will be available, I'm sure. We're 15 not sure how many until closer to the 16 time but I think we'll have a quorum. 17 And, let's see. All right. 18 Public Comment Period, we had no one 19 sign up from the audience to give a 20 statement. So, none there. 21 The last thing on the 22 agenda is a motion to adjourn. 23 MR. TUCKER: Move to adjourn.
Page 19 1 MR. MCFADDEN: Second. 2 MR. MASINGILL: Second. 3 MR. MCFADDEN: All in favor, 4 raise your hand. 5 (Commission members raising 6 hands.) 7 MR. MCFADDEN: We're adjourned 8 at 14 minutes by my count. 9 10 11 (The Alabama Environmental 12 Management Commission meeting 13 ended at 11:14 a.m. on 14 Friday, August 8, 2025.) 15 16 17 18 19 20 21 22 23	Page 20 1 * * * * * 2 REPORTER'S CERTIFICATE 3 * * * * * 4 STATE OF ALABAMA 5 TALLADEGA COUNTY 6 I, Elaine F. Bradley, Certified 7 Professional Reporter and Notary Public in and for 8 the State of Alabama at Large, do hereby certify on 9 Friday, August 8th, 2025, that I reported the 10 meeting in the matter of: 11 MEETING OF THE 12 ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION 13 ALABAMA DEPARTMENT OF ENVIRONMENTAL 14 MANAGEMENT (ADEM) BUILDING 15 ALABAMA ROOM 16 1400 COLISEUM BOULEVARD 17 MONTGOMERY, ALABAMA 36110-2400 18 19 That the foregoing 19 computer-printed 20 Pages contain a true and correct transcript of the 21 meeting set out herein. I further certify that I am 22 neither of relative, employee, attorney or counsel 23 of any of the parties, nor am I a relative or

1 employee of such attorney or counsel, nor am I
2 financially interested in the results thereof. All
3 rates charged are usual and customary.

4 I further certify that I am duly licensed
5 by the Alabama Board of Court Reporting as a
6 Certified Court Reporter as evidenced by the ABCR
7 number following my name found below.

8 This 20th day of September, in the year
9 of our Lord, 2025.

10 */s/ Elaine F. Bradley*

11 Elaine F. Bradley, CCR
12 ACCR NO. 354, Exp 9/30/2026
13 Certified Court Reporter and
14 Notary Public
15 Commission expires: 11/14/27

16 (C) Copyright 2025, Boggs Reporting & Video LLC.
17 All rights reserved. No portion of this document
18 may be reproduced without written consent of Boggs
19 Reporting & Video.
20
21
22
23

A				D
a.m 1:10 3:5 18:13 19:13 ABCR 1:19 21:6 accepted 8:3 accomplish 16:2 accomplishme... 9:16 ACCR 21:11 achievements 8:15 actor 13:16 address 13:16 ADEM 1:5 2:14 4:15 5:9 15:14 20:14 adjourn 18:22 18:23 adjourned 19:7 Administrative 15:14 adopt 3:14 17:14,16 affirmative 16:14 agency 5:20 8:6 agenda 3:10 15:12 18:4,10 18:22 ago 9:12 12:1 air 7:20,21 15:15,21 16:1 16:7 Alabama 1:2,4,6 1:8,21 10:9 16:12 19:11 20:4,8,12,13 20:15,17 21:5 amendments 15:14 17:15,17 amount 6:11,11 answer 11:14 17:10 anybody 5:10 anyway 15:5 APPEARAN... 2:1 appreciate 8:9	11:16 12:3 14:16 15:10 assist 10:10 ASSISTANT 2:15 attention 7:19 attorney 15:9 20:22 21:1 Aubrey 15:20 17:13 audience 18:19 August 1:9 3:2 19:14 20:9 available 18:14 award 7:22 8:4 awarded 7:21 awards 7:23 AWF 8:9 AWF's 7:23	burden 14:19,20 business 3:7 18:5,11	15:6 17:5 Commission 1:2 2:2,9 3:3 5:7 10:4 14:17 18:6,12 19:5 19:12 20:12 21:13 Commissioner 1:20 Commissioners 13:6 15:19 18:13 community 8:6 complain 5:10 computer-pri... 20:19 concern 14:7 concluded 10:22 congratulating 9:1 congratulations 9:8,15 consent 21:16 conservation 7:23 conservationist 7:22 consideration 3:8 15:13 17:9 consultation 10:8,15,22 11:1 contain 20:20 continue 6:14 Control 15:16 conversation 7:13 Copyright 21:15 correct 20:20 counsel 2:13 20:22 21:1 count 19:8 COUNTY 20:5 Court 21:5,6,12 criteria 10:11 culminated 17:2 customary 21:3	D.V.M 2:7 data 13:3,7,8,11 13:12,18 14:19 DATE 1:9 day 4:17 10:5 21:8 days 4:18 DEBI 2:15 decision 13:4 defense 16:14 Department 1:4 5:1 8:17 9:20 10:9,14 12:19 14:2 15:17 20:13 Department's 14:4 15:21 deputy 4:23 deserved 8:5 determine 10:14 determining 10:10 difficult 8:22 diligently 12:20 Director 2:14 4:4,14 11:21 Director's 7:10 directors 7:12 discuss 5:16 Division 7:20 9:11,13 15:15 15:21,23 document 21:15 doing 12:8 Dr 10:6 11:2,3,8 17:18 draft 10:16 duly 21:4
	B	C		E
	back 6:10 7:14 13:18 bad 13:15 BARTON 2:13 basic 16:2 bay 15:2,3 Ben 9:10,11 best 14:5 better 6:8,16 11:6,9 big 11:23 Biscuit's 9:14 bit 13:22 blame 4:8 Board 21:5 body 12:12 Boggs 21:15,16 BOULEVARD 1:7 20:16 Bradley 1:18 20:6 21:11 bring 7:18 BROWN 2:11 budget 5:17,22 6:1,8 BUILDING 1:5 20:14	C 21:15 call 3:4 carries 4:1 18:2 carrying 4:23 12:5 Carter 15:9 carve-outs 7:6 categorical 5:21 5:23 6:2,9 cause 4:7 caused 4:4 CCR 1:18 21:11 CERTIFICA... 20:2 Certified 20:6 21:6,12 certify 20:8,21 21:4 Chair 2:3,4 3:10 15:19 Chair's 11:18 change 13:7 16:21 Chapter 16:15 Chapters 16:22 charged 21:3 chemicals 13:13 14:7,10 Chief 7:20 clarification 12:12 climate 13:7 close 7:15 closer 18:15 Code 15:15 COLISEUM 1:7 20:16 come 18:5 coming 6:23 comment 17:2 18:18 commented 13:5 comments 10:18		easiest 13:23 easy 13:20 Ed 4:9 11:15 12:4 EDWARD 2:14 Elaine 1:18 20:6 21:11

EMC 2:13,15 emission 16:7 employee 20:22 21:1 employees 8:15 8:18 ended 19:13 enforce 16:11 engineering 8:21 entertain 3:12 Environmental 1:2,4 3:2 19:11 20:12,13 EPA 5:17 16:5 16:11 EPA's 16:16 ESQ 2:11,13 everybody 4:11 evidenced 21:6 exciting 4:18 EXECUTIVE 2:15 Exp 21:11 expertise 14:1 expires 21:13 extremely 5:4 eye 7:15	formally 11:20 former 7:20 forward 12:4 14:14 15:7,7 found 21:7 four 4:5 frame 10:21 FRANK 2:3 Friday 1:9 4:16 8:1 10:5 19:14 20:9 full 6:10 further 20:21 21:4 future 18:11	19:4 hands 13:2 19:6 happy 17:10 hard 13:1 Harris 10:7 11:2 11:9 Hayden 9:4,7 hazardous 16:7 Health 10:7,9,15 11:2 14:4 hear 7:15 15:16 hearing 16:23 18:9 held 3:9 16:23 helping 15:10 history 5:9 honor 4:13,15 Honorable 15:19 hope 4:7 14:12 hours 4:5 House 6:5,6 huge 9:16 hundred 14:8 hunkering 14:3	interested 21:2 item 3:11 4:2 5:15 7:17,18 9:17 11:17 15:12,12 18:4 18:10	legacy 12:5 LEGAL 2:13 let's 18:17 letter 10:8 license 8:21 licensed 21:4 LINDSAY 2:13 little 12:1 13:22 14:14 live 13:21 14:23 LLC 21:15 load 16:21 Loan 7:3 LOCATION 1:4 long 8:22 longest 5:8 look 14:11 15:7 looked 6:7 looking 12:4 Lord 21:9 lot 6:7 8:5,6 love 11:13
F	G	I	J	M
F 1:18 20:6 21:11 favor 3:18,20 17:20,22 19:3 favorable 17:9 federal 5:17 16:17 financially 21:2 find 13:7,11,12 fine 14:15 first 3:7 4:12,16 4:21 5:15 6:21 7:11 9:3,22 10:5,23 five 3:6 following 21:7 foregoing 20:19 formal 11:19	game 9:15 gap 11:23,23 getting 5:3 14:14 give 10:20 14:13 18:19 go 3:6 13:9 18:10 goes 15:3 going 5:10 6:14 12:9 15:7 good 3:6 4:10 5:12 6:11,12 6:15 7:4 8:7,11 8:17 13:18 15:11,18 Gore 7:20 Governor's 7:23 8:9 granted 8:20 12:17 grants 5:21,23 6:2,10 great 4:11 12:9 Guarisco 11:3 guess 12:2 gulf 15:2	II 2:11 III 2:5 immediately 14:11 impact 5:19 important 8:16 inaugural 4:3 included 10:12 incorporate 10:16 16:5 individuals 8:19 9:2 industries 14:20 information 11:10 initiate 9:20 initiated 9:23 input 14:4 intend 7:1 intended 10:13 intent 12:16	J 2:6,10 JAY 2:5 Jeff 4:22 6:3 7:9 11:13,21 12:4 14:9 Jeff's 5:18 job 10:6 12:9 John 2:5 11:3 join 8:23 July 17:1 June 3:9 5:19 6:3,17	Kevin 2:4 8:1 kind 12:12 14:13 King 9:10 Kitchens 4:22 11:22 know 5:7 6:20 6:22 7:12 8:1 8:12 9:7 12:8 12:18,19,23,23 13:2,15 14:2,6 14:8,13
L	H		L	
L 2:7 Lance 12:6 Land 9:11,13 language 16:20 LANIER 2:11 large 1:21 7:13 20:8 largest 5:19 Lastly 16:19 LeFleur 12:6 left 13:8	H 2:5,11 hand 3:19 17:21			M.D 2:6 making 8:10 9:23 16:2 Management 1:2,5 3:3 19:12 20:12,14 markup 6:5 markups 6:7 MARY 2:10 MASINGILL 2:5 3:14 19:2 matter 11:7 20:10 McFADDEN 2:3 3:1,17,21 3:23 4:9 11:15 17:12,19,23 18:2,9 19:1,3,7 MCKINSTRY 2:4 17:16 mean 12:18 meant 8:5 meeting 1:1 3:3 3:4,9 5:8 7:10

18:12 19:12 20:10,11,21 members 2:2,9 3:20 17:22 19:5 MERRITT 2:10 met 9:6,11,14 minutes 3:8,11 3:13,15 9:12 19:8 Mobile 14:23 15:2 money 7:8 Montgomery 1:8 9:12 20:17 months 12:1 morning 4:10 9:6 15:18 motion 3:12,17 4:1 17:14,19 18:2,22 move 3:14 17:16 18:23 municipalities 14:21	O obviously 6:13 11:10 occur 8:8 occurred 11:1 October 18:12 office 8:10 Officer 10:7 11:3 officially 4:17 okay 4:2 14:15 15:12 17:13 Once 11:8 ones 5:12 oppose 3:23 opposed 3:21 17:23 order 3:4,7 10:3 overly 14:19,20	11:21 portion 21:15 possible 10:19 posthumously 7:21 prepare 7:1 prepared 5:3 present 2:2,9,12 7:14 presentation 5:18 presented 6:3 President's 5:22 6:1 presidential 6:8 pretty 11:23 probably 5:8 6:23 7:7 procedures 9:21 10:1 proceed 10:17 process 8:23 14:12 15:8 professional 8:21 20:7 Program 7:4 15:16 programs 7:8 propose 16:4,13 16:19 proposed 10:17 15:13,23 17:17 protect 14:22 provisions 16:15 16:17 public 10:9,15 10:17 16:23 17:2 18:18 20:7 21:12 publicly 5:5 put 6:9 12:6	questions 11:13 17:11,13 quite 4:15 7:4 quorum 3:5 18:16	respectfully 17:8 response 3:22 16:16 18:1,7 results 21:2 revisions 15:23 Revolving 7:3 right 3:19 12:13 13:3,3,9,12 14:18,18 18:17 rights 21:15 role 11:6 Ron 7:20 8:5 ROOM 1:6 20:15 roughed 12:1 routinely 16:9 RUBY 2:7 rule 9:23 10:17 16:1 rule-making 9:20 rules 12:14 17:1 17:5,10
N name 9:4 21:7 natural 14:22 need 11:6 neither 20:22 new 4:3 11:21 16:5,5 news 6:12,16 night 8:1,7,11 9:14 Notary 20:7 21:12 note 18:11 notes 3:10 notice 10:18 nudge 14:14 number 4:2 15:13 18:5,10 21:7 numbers 7:5 numeric 10:10	P P.E 2:3 packet 17:7 Pages 20:20 part 4:8 particular 13:10 parties 20:23 path 14:14 PATRICK 2:6 performance 16:6 period 17:3 18:18 PERRY 2:7 17:18 personal 8:14 petition 9:19 10:2,12 12:11 12:16 piece 13:10,12 play 14:23 please 9:3 point 13:10 pollutants 10:11 16:8 Pollution 15:15 Poolos 2:14 4:6 4:10 9:10	Q quadrennium 6:22 qualified 8:17 quality 9:18 12:21	R raise 3:18 17:20 19:4 raising 19:5 rates 21:3 received 17:4 recognition 7:19 8:10 recognize 8:19 regarding 3:12 regs 12:14 15:16 regulations 12:22 16:1,12 16:18 related 16:20 relative 20:22 20:23 released 6:1 remember 5:18 removal 16:16 remove 16:14,20 report 4:3 11:18 11:19 reported 1:18 20:9 Reporter 20:7 21:6,12 REPORTER'S 20:2 Reporting 21:5 21:15,16 reproduced 21:16 request 17:8 requested 10:2 requesting 10:8 required 10:1,3 requirement 9:19 reserved 21:15 resolved 17:6 resources 14:22	S Scott 10:6 second 3:16,18 4:21 7:17 16:13 17:18,20 19:1,2 see 4:11 7:7 18:17 seen 6:5 semi-report 15:6 Senate 6:6,7 September 7:11 21:8 set 20:21 sets 17:4 seven 4:18 short 4:5 11:19 shorter 5:11,14 shown 17:6 shutdown 16:21 side 7:4 sign 18:19

Signatures 18:4 sit 11:8 son 8:3 soon 10:18 sort 12:15 13:6 source 16:6 specific 10:21 spin 12:7 SRF 7:8 stand 4:14 9:4 standards 16:6 16:7 standing 11:22 started 4:6 startup 16:21 state 1:21 7:3,7 7:10,12 10:7 11:2,4 20:4,8 statement 18:20 subject 12:21 13:1 submitted 10:6 subsequently 10:3 sure 6:20 18:14 18:15	THOMAS 2:15 three 8:19 9:1 11:17 16:1,2 thrilled 8:8 time 1:10 4:5 6:4 6:15 10:21 12:22 15:1 18:16 timeline 10:13 today 4:11,18 5:11,14,14 8:14,18 15:22 Todd 15:8,8 topic 7:13 8:12 total 3:6 14:10 touch 8:14 toxic 13:13 Toxicologist 11:4 transcript 20:20 transition 5:1 trigger 16:20 true 20:20 trying 14:3 TUCKER 2:6 3:16 18:23 twelve 10:11 14:10 two 4:2 11:23 16:10 17:4	13:11,12 14:19 14:21 wants 12:13 14:17 wasn't 4:7 watch 6:15,19 water 9:18 12:21 14:23 way 12:7 13:8,8 we'll 7:14,15 15:16 18:10,16 we're 3:6 6:14 6:18 12:4 18:14 19:7 we've 6:23 week 4:20 welcome 3:1 4:9 11:20 whirlwind 4:20 White 15:18,20 wife 8:3 Willis 9:5,9 wish 9:17 10:20 woods 6:19 work 15:11 worked 12:19 world 13:22 written 17:5 21:16	11/14/27 21:13 11:00 1:10 3:5 18:13 11:14 19:13 110 14:9 13th 3:9 14 16:22 19:8 1400 1:7 20:16 15 16:22 16 16:15 19 20:19 2 2025 1:9 3:10 18:13 19:14 20:9 21:9,15 20th 21:8 3 335-3 15:15 354 1:19 21:11 36110-2400 1:8 20:17 4 4 15:13 45-day 17:2 5 5 18:5 6 6 18:10 7 7th 17:1 8 8 1:9 19:14 8th 3:2 20:9 9 9/30/2026 21:11
T take 4:7,21 taken 14:11 talk 8:13 TALLADEGA 20:5 tell 9:22 13:21 ten 9:12 terribly 13:15 thank 4:22 5:5 9:9 11:15,21 18:3 thankful 5:4 thereof 21:2 thing 4:21 5:12 12:10,13 13:21 13:23 14:18 18:21 things 12:8 16:3 think 5:9,11 18:16	U understand 11:5 11:6 14:15 update 9:18 updated 11:11 usual 21:3 V value 10:14 varying 14:1 VICE 2:4 Video 21:15,16 W want 4:12,20,22 5:5,16 8:13,18 8:19,23 9:22 11:20 12:13	X Y y'all 11:13 yeah 11:16 year 6:21 7:22 21:8 years 12:20 16:10 Z zeroed 6:2 0 1 1 3:11 101 14:9,9 10th 18:12	

Part B

Attachment Index

Attachment 1 Agenda

**Attachment 2 Resolution adopting amendments to ADEM Administrative Code
Division 335-3, Air Pollution Control Program Regulations, and
Attachment A, Final Proposed Rules and Proposed Revisions to
SIP and Permit Information**

(Agenda Item 4)

Attachment 1

7/8/25

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: August 8, 2025

TIME: 11:00 a.m.

LOCATION: Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Conference Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

<u>ITEM</u>	<u>PAGE</u>
1. Consideration of minutes of meeting held on June 13, 2025**	2
2. Report from the ADEM Director	2
3. Report from the Commission Chair	2
4. Consideration of proposed amendments to ADEM Administrative Code Division 335-3, Air Pollution Control Program Regulations	2
5. Other business	2
6. Future business session	2
PUBLIC COMMENT PERIOD	3
Brief statements by members of the public registered to speak	3

* The agenda for this meeting will be available on the ADEM website, www.adem.alabama.gov,
under Environmental Management Commission.

** The minutes for this meeting will be available on the ADEM website
under Environmental Management Commission.

1. CONSIDERATION OF MINUTES OF MEETING HELD ON JUNE 13, 2025
2. REPORT FROM THE ADEM DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. CONSIDERATION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE DIVISION 335-3, AIR POLLUTION CONTROL PROGRAM REGULATIONS

The Commission will consider proposed amendments to ADEM Administrative Code Division 335-3, Air Pollution Control Program Regulations. ADEM proposes to amend ADEM Administrative Code Rules 335-3-10-.01, 335-3-10-.02, 335-3-10-.03, 335-3-11-.01, 335-11-.06, 335-3-14-.03, 335-3-15-.04, and 335-3-16-.11, and Appendix C.

Revisions to the Division 3 Code are being proposed to incorporate by reference changes to the EPA's New Source Performance Standards (NSPS) in Chapter 335-3-10, and National Emissions Standards for Hazardous Air Pollutants (NESHAPs) in Chapter 335-3-11. Chapter 335-3-14 is being proposed for revision to reinstate provisions relating to violations of emission limits during start-up, shut-down and malfunctions. Chapter 335-3-15 is also being proposed for revision to reinstate provisions relating to violations of emission limits during start-up, shut-down, and malfunctions of equipment. Chapter 335-3-16 is being proposed for revision to remove provisions relating to emergencies. Appendix C is being proposed for revision to reflect changes to Chapters 335-3-10 and 335-3-11.

Chapters 335-3-14 and 15 are considered part of the federally-enforceable State Implementation Plan (SIP). Revisions to these Chapters are proposed to be incorporated into Alabama's SIP.

The Department held a public hearing on the proposed amendments on July 7, 2025.

5. OTHER BUSINESS
6. FUTURE BUSINESS SESSION

PUBLIC COMMENT PERIOD

BRIEF STATEMENTS BY MEMBERS OF THE PUBLIC REGISTERED TO SPEAK

Members of the public that wish to make a brief statement at a Commission meeting may do so by first signing in on a register maintained by the Commission office prior to each regularly scheduled meeting. The register will close ten minutes prior to convening each meeting of the Commission. Following completion of all agenda items, the Commission Chair will call on members of the public wishing to make a statement in the order their names appear on the register. Speakers are encouraged to limit their statement to matters that directly relate to the Commission's functions. Speakers will be asked to observe a three-minute time limit. While an effort will be made to hear all members of the public signed on the register, the Commission may place reasonable limitations on the number of speakers to be heard. (Guideline 11, Guidelines for Public Comment).

The Guidelines for Public Comment are used in the application of ADEM Administrative Code 335-2, Environmental Management Commission Regulations, Rule 335-2-3-.05, Agenda and Public Participation. The Guidelines for Public Comment serve to educate and inform the public as to how the Commission interprets and intends to apply the Rule. The revised Rule 335-2-3-.05 was effective October 7, 2016.

Attachment 2

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-3 of the Department's Air Division – Air Pollution Control Program Rules in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

WHEREAS, a public hearing was held before a representative of the Alabama Department of Environmental Management designated by the Environmental Management Commission for the purpose of receiving data, views and arguments on the amendment of such proposed rules; and

WHEREAS, the Alabama Department of Environmental Management has reviewed all submissions introduced into the hearing record, and has prepared a concise statement of the principal reasons for and against the adoption of the proposed rules incorporating therein its reasons for the adoption of certain revisions to the proposed rules in response to all submissions, such revisions, where appropriate, having been incorporated into the proposed rules attached hereto; and

WHEREAS, the Environmental Management Commission has considered fully all submissions respecting the proposed amendments and the Reconciliation Statement prepared by the Alabama Department of Environmental Management.

NOW THEREFORE, pursuant to Ala. Code. §§ 22-27-2, 22-27-7, 22-27-9, 22-27-12 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-3 [Rule 335-3-10-.01 /General (Amend); Rule 335-3-10-.02 –/Designated Standards of

Performance (Amend); Rule 335-3-10-.03/ Appendices to 40 CFR 60 (Amend); Rule 335-3-11-.01 / General (Amend); Rule 335-3-11-.06 / National Emission Standards for Hazardous Air Pollutants for Source Categories (Amend);Rule 335-3-14-.03/ Standards for Granting Permits (Amend); Rule 335-3-15-.04/ Synthetic Minor Operating Permit Requirements (Amend); Rule 335-3-16-.11/ Exceptions to Violations of Emissions Limits (Amend); Rule 335-3-C Appendix C- EPA Reference Documents For New Source Performance Standards and National Emission Standards For Hazardous Air Pollutants (Amend)] of the Department's Air Division – Air Pollution Control Program Rules, administrative code attached hereto, to become effective forty-five days, unless otherwise indicated, after filing with the Alabama Legislative Services Agency.

Environmental Management Commission Resolution
Page 3

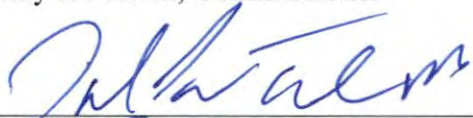
ADEM Admin. Code division 335-3 – Air Pollution Control Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 8th day of August,
2025.

APPROVED:

Mary J. Merritt, Commissioner

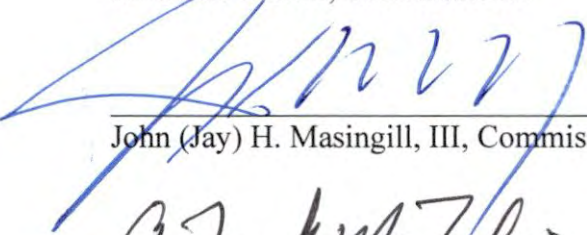
H. Lanier Brown, II, Commissioner



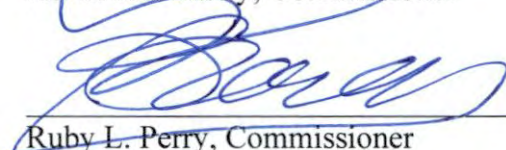
J. Patrick Tucker, Commissioner



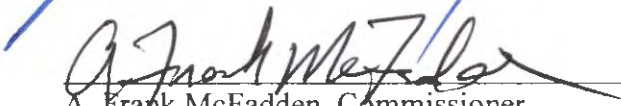
Kevin McKinstry, Commissioner



John (Jay) H. Masingill, III, Commissioner



Ruby L. Perry, Commissioner



A. Frank McFadden, Commissioner

DISAPPROVED:

Mary J. Merritt, Commissioner

H. Lanier Brown, II, Commissioner

J. Patrick Tucker, Commissioner

Kevin McKinstry, Commissioner

John (Jay) H. Masingill, III, Commissioner

Ruby L. Perry, Commissioner

A. Frank McFadden, Commissioner

Environmental Management Commission Order
Page 4

ABSTAINED:

Mary J. Merritt, Commissioner

H. Lanier Brown, II, Commissioner

J. Patrick Tucker, Commissioner

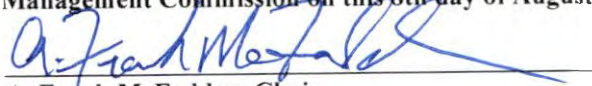
Kevin McKinstry, Commissioner

John (Jay) H. Masingill, III, Commissioner

Ruby L. Perry, Commissioner

A. Frank McFadden, Commissioner

This is to certify that this Resolution is a true and accurate
account of the actions taken by the Environmental
Management Commission on this 8th day of August 2025.



A. Frank McFadden, Chair
Environmental Management Commission
Certified this 8th day of August 2025

ATTACHMENT A

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 335

Department or Agency: Alabama Department of Environmental Management Air
Division - Air Pollution Control Program

Rule No.: 335-3-10-.01

Rule Title: General

Intended Action Amend

Would the absence of the proposed rule significantly harm or
endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police
power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available
that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly
increasing the costs of any goods or services involved? Yes

To what degree?: Industry cost of compliance as described in APA 6.

Is the increase in cost more harmful to the public than the harm
that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the
purpose of, and so they have, as their primary effect, the
protection of the public? Yes

Does the proposed action relate to or affect in any manner any
litigation which the agency is a party to concerning the subject
matter of the proposed rule? No

Does the proposed rule have an economic impact? Yes

If the proposed rule has an economic impact, the proposed rule is required to be
accompanied by a fiscal note prepared in accordance with subsection (f) of Section
41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance
with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it
conforms to all applicable filing requirements of the Administrative Procedure
Division of the Legislative Services Agency.

Signature of certifying officer

Jeffery W. Kitchens
Jeffery W. Kitchens

Date

Monday, May 19, 2025

REC'D & FILED

MAY 19, 2025

LEGISLATIVE SVC AGENCY

APA-2

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AIR DIVISION - AIR POLLUTION CONTROL PROGRAM**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-3-10-.01 General

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

To incorporate by reference EPA changes to the New Source Performance Standards (NSPS). This incorporation allows the EPA to delegate administrative enforcement of these regulations to ADEM. Chapter 335-3-10 is not considered as a part of the federally enforceable State Implementation Plan (SIP). As such, any revisions to this Chapter/Rule are not proposed to be incorporated into Alabama's SIP.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held 10:00 a.m., July 7, 2025, in ADEM Hearing Room, 1400 Coliseum Blvd., Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, July 7, 2025

CONTACT PERSON AT AGENCY:

Larry Brown (334) 271-7878

Jeffery W. Kitchens

Jeffery W. Kitchens

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

335-3-10-.01**General.**

(1) The Environmental Protection Agency Regulations, and the Appendices applicable thereto, governing Standards of Performance for New Stationary Sources (40 CFR 60 and Appendices) designated in rules 335-3-10-.02 and -.03 are incorporated by reference as they exist in 40 CFR 60 (July 1, 2023³⁴), and 88⁹ FR 705844205 [8/25/23⁰²³; ~~addition of Subpart AAb and amendments to Subparts A, AA and AAa~~], 89 FR 11198 [2/24/2024; amendments to Subparts AA, AAa and AAb], 89 FR 74135 [9/12/2024; amendments to Subparts III, NNN and RRR], 89 FR 83296 [10/15/2024; amendments to Subparts A, and Kb and addition of Subpart Kc], and 89 FR 89928 [11/14/2024; amendments to Subpart EEEE], as amended by the word or phrase substitutions given in rule 335-3-10-.04. References for specific documents containing the complete text of subject regulations are given in Appendix C to these Regulations. Authorities which are not delegable to the state are also listed in Appendix C.

[NOTE: The standards pertaining to the Consolidated Federal Air Rule are located in Chapter 335-3-11A.]

(a) The materials incorporated by reference are available for purchase and inspection at the Department's offices at 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

(2) The emission standards in this Chapter shall supercede the emission standards in Chapters 335-3-3, -4, -5, -6, -7, and -8 if both of the following criteria are met:

(a) the source category is subject to the regulations in this Chapter for the specific pollutants to which an emission standard under this Chapter applies, and

(b) the emission standard under Chapters 335-3-3, -4, -5, -6, -7, and -8 is more stringent than the emission standard in this Chapter for the specific pollutants regulated.

(3) Definitions. For purposes of this Chapter, the definitions listed in 40 CFR §60.2 will apply.

Author: Department of Environmental Management

Statutory Authority: Code of Ala. 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8, 41-22-9.

History: Effective Date: May 25, 1976. **Amended:** Effective Date: February 13, 1985; June 9, 1987; June 16, 1988; September 2, 1989; November 1, 1990; March 28, 1991; July 31, 1991; October 24, 1991. **Amended:** November 23, 1993; effective December 28, 1993.

Amended: Filed March 23, 1995; effective April 27, 1995.

Amended: Filed October 17, 1996; effective November 21, 1996.

Amended: Filed August 21, 1997; effective September 25, 1997.
Amended: Filed February 20, 1998; effective March 27, 1998.
Amended: Filed June 10, 1999; effective July 15, 1999. **Amended:**
Filed December 9, 1999; effective January 13, 2000. **Amended:**
Filed August 3, 2000; effective September 7, 2000. **Amended:**
Filed February 7, 2002; effective March 14, 2002. **Amended:** Filed
August 29, 2002; effective October 3, 2002. **Amended:** Filed
February 27, 2003; effective April 3, 2003. **Amended:** Filed
August 28, 2003; effective October 2, 2003. **Amended:** Filed
February 15, 2005; effective March 22, 2005. **Amended:** Filed
November 7, 2005; effective December 12, 2005. **Amended:** Filed
June 6, 2006; effective July 11, 2006. **Amended:** Filed February
27, 2007; effective April 3, 2007. **Amended:** Filed December 18,
2008; effective January 22, 2008. **Amended:** Filed July 1, 2008;
effective August 5, 2008. **Amended:** Filed December 15, 2008;
effective January 19, 2009. **Amended:** Filed February 23, 2010;
effective March 30, 2010. **Amended:** Filed April 18, 2011;
effective May 23, 2011. **Amended:** Filed April 24, 2012; effective
May 29, 2012. **Amended:** Filed December 18, 2012; effective
January 22, 2013. **Amended:** Filed April 23, 2013; effective May
28, 2013. **Amended:** Filed August 20, 2013; effective September
24, 2013. **Amended:** Filed October 20, 2015; effective November
24, 2015. **Amended:** Filed April 25, 2017; effective June 9, 2017.
Amended: Filed August 21, 2018; effective October 5, 2018.
Amended: Published February 28, 2020; effective April 13, 2020.
Amended: Published October 29, 2021; effective December 13,
2021. **Amended:** Published December 29, 2023; effective February
12, 2024. **Amended:** Published August 30, 2024; effective October
14, 2024. **Amended:** Published ; effective .

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No:	<u>335</u>
Department or Agency:	<u>Alabama Department of Environmental Management Air Division - Air Pollution Control Program</u>
Rule No:	<u>335-3-10-.01</u>
Rule Title:	<u>General</u>
Intended Action:	<u>Amend</u>

 This rule has no economic impact.

 Yes This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

The adoption of these revisions to Chapter 335-3-10 by the State of Alabama will allow the regulations to be implemented and enforced by the Alabama Department of Environment Management. As discussed above, adoption of these regulations will allow the Department to retain State primacy of the federal program.

2. COSTS/BENEFITS OF RULE AND WHY RULES IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

There will be no additional cost incurred by the residents of, or companies operating in, the State of Alabama if the revisions to the federal regulations are incorporated and adopted by the State. The costs are equivalent to the cost of compliance with the same regulations implemented by the federal government. Sources of air pollution will be subject to the same requirements for the installation of controls to prevent the emission of air pollution regardless of which agency (state or federal) implements these regulations.

3. EFFECT OF THIS RULE ON COMPETITION:

Adoption of these federally required regulations is not expected to have any effect on competition. As stated above, if the regulations are not adopted by the State of Alabama, they will be implemented on the federal level, and Alabama companies will be required to comply

with the federal regulations and answer directly to the federal Environmental Protection Agency (EPA).

4. **EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:**

Adoption of these federally required regulations is not expected to have any effect on the cost-of-living and doing business in the geographical area of implementation (State of Alabama). As stated above, if the regulations are not adopted by the State of Alabama, they will be implemented on the federal level. Therefore, Alabama companies still would be required to comply with the federal regulations and answer directly to the Federal EPA.

5. **EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:**

Adoption of these federally required regulations is not expected to have any effect on the employment in the geographical area in which the regulation would be implemented (State of Alabama).

6. **SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:**

Revenue from the Federal Grant and fines and fees collected by the Department will fund the adoption of this regulation. For sources subject to Title V of the Clean Air Act, as amended, fees are collected based on the amount of air pollution emitted annually.

7. **THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON EFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:**

The adoption of the proposed regulation is not expected to have any short-term or long-term economic impact. As stated above, if the regulations are not adopted by the State of Alabama, they will be implemented on the federal level. Alabama companies would still be required to comply with the federal regulations and answer directly to the Federal EPA.

8. **UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:**

No additional burdens are expected as a result of the adoption of these regulations. If the regulations are not adopted by the State of Alabama, they will be implemented on the federal level. Alabama companies would still be required to comply with the federal regulations and answer directly to the federal EPA.

9. **THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:**

The effect of the regulation on the environment and public health is addressed in the accompanying Federal Registers.

10. **DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:**

The benefits of the proposed regulations have been discussed in the above paragraphs, as well as, the Federal Registers. Alabama is required to adopt these regulations by the EPA in order to continue to have primacy in implementing an air pollution control program. In the event that the regulations are not adopted at the State level, the requirements will still exist at the federal level. However, it is generally acknowledged that regulations are implemented and enforced in a more effective and efficient manner at the State level than at the federal level.

Signature of certifying officer

Jeffery W. Kitchens

Jeffery W. Kitchens

Date

Monday, May 19, 2025

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 335

Department or Agency: Alabama Department of Environmental Management Air
Division - Air Pollution Control Program

Rule No.: 335-3-10-.02

Rule Title: Designated Standards Of Performance

Intended Action Amend

Would the absence of the proposed rule significantly harm or
endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police
power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available
that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly
increasing the costs of any goods or services involved? Yes

To what degree?: Industry cost of compliance as described in the APA 6.

Is the increase in cost more harmful to the public than the harm
that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the
purpose of, and so they have, as their primary effect, the
protection of the public? Yes

Does the proposed action relate to or affect in any manner any
litigation which the agency is a party to concerning the subject
matter of the proposed rule? No

Does the proposed rule have an economic impact? Yes

If the proposed rule has an economic impact, the proposed rule is required to be
accompanied by a fiscal note prepared in accordance with subsection (f) of Section
41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance
with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it
conforms to all applicable filing requirements of the Administrative Procedure
Division of the Legislative Services Agency.

Signature of certifying officer

Jeffery W. Kitchens
Jeffery W. Kitchens

Date

Monday, May 19, 2025

REC'D & FILED
MAY 19, 2025
LEGISLATIVE SVC AGENCY

APA-2

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AIR DIVISION - AIR POLLUTION CONTROL PROGRAM

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-3-10-.02 Designated Standards Of Performance

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

In order to incorporate by reference EPA changes to the New Source Performance Standards (NSPS). This incorporation allows the EPA to delegate administrative enforcement of these regulations to ADEM. Chapter 335-3-10 is not considered as a part of the federally enforceable State Implementation Plan (SIP). As such, any revisions to this Chapter/Rule are not proposed to be incorporated into Alabama's SIP.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held 10:00 a.m., July 7, 2024, in ADEM Hearing Room, 1400 Coliseum Blvd., Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, July 7, 2025

CONTACT PERSON AT AGENCY:

Larry Brown (334) 271-7878

Jeffery W. Kitchens

Jeffery W. Kitchens

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

- (1) Subpart A - General Provisions.
- (2) Subpart D - Fossil Fuel-Fired Steam Generators for which construction is commenced after August 17, 1971.
 - (a) Subpart Da - Electric Utility Steam Generating Units for which construction is commenced after September 18, 1978.
 - (b) Subpart Db - Industrial-Commercial-Institutional Steam Generating Units.
 - (c) Subpart Dc - Small Industrial-Commercial-Institutional Steam Generating Units.
- (3) Subpart E - Incinerators.
 - (a) Subpart Ea - Municipal Waste Combustors for which construction is commenced after December 20, 1989 and on or before September 20, 1994.
 - (b) Subpart Eb - Municipal Waste Combustors for which construction is commenced after September 20, 1994.
 - (c) Subpart Ec - Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for which construction is commenced after June 20, 1996.
- (4) Subpart F - Portland Cement Plants.
- (5) Subpart G - Nitric Acid Plants.
 - (a) Subpart Ga - Nitric Acid Plants for ~~which~~which Construction, Reconstruction, or Modification Commenced After October 14, 2011.
- (6) Subpart H - Sulfuric Acid Plants.
- (7) Subpart I - Hot Mix Asphalt Facilities.
- (8) Subpart J - Petroleum Refineries.
 - (a) Subpart Ja - Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After May 14, 2007.
- (9) Subpart K - Storage Vessels for Petroleum Liquids constructed after June 11, 1973 and prior to May 19, 1978.

(a) Subpart Ka - Storage Vessels for Petroleum Liquids constructed after May 18, 1978.

(b) Subpart Kb - Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 12, 1984.

(c) Subpart Kc - Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After October 4, 2023.

(10) Reserved.

(11) Reserved.

(12) Subpart L - Secondary Lead Smelters.

(a) subpart La - Secondary Lead Smelters for Which Construction, Reconstruction, or Modification Commenced After December 1, 2022.

(13) Subpart M - Secondary Brass and Bronze Ingot Production Plants.

(14) Subpart N - Primary Emissions from Basic Oxygen Process Furnaces for which construction is commenced after June 11, 1973.

(a) Subpart Na - Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for which construction is commenced after January 20, 1983.

(15) Subpart O - Sewage Treatment Plants.

(16) Subpart P - Primary Copper Smelters.

(17) Subpart Q - Primary Zinc Smelters.

(18) Subpart R - Primary Lead Smelters.

(19) Subpart S - Primary Aluminum Reduction Plants.

(20) Subpart T - Wet Process Phosphoric Acid Plants.

(21) Subpart U - Superphosphoric Acid Plants.

(22) Subpart V - Diammonium Phosphate Plants.

(23) Subpart W - Triple Superphosphate Plants.

- (24) Subpart X - Granular Triple Superphosphate Storage Facilities.
- (25) Subpart Y - Coal Preparation Plants.
- (26) Subpart Z - Ferroalloy Production Facilities.
- (27) Subpart AA - Steel Plants (Electric arc furnaces and dust-handling equipment).
 - (a) Subpart AAa - Steel Plants: Electric Arc Furnaces and Argon Oxygen-Decarburization Vessels.
 - (b) Subpart AAb - Standards of Performance for Steel Plants: Electric Arc furnaces and Argon-Oxygen Decarbonization Vessels Constructed After May 16, 2022.
- (28) Subpart BB - Kraft Pulp Mills.
 - (a) Subpart BBa - Standards of Performance for Kraft Pulp Mill Affected Sources for ~~which~~which Construction, Reconstruction, or Modification Commenced After May 23, 2013.
- (29) Subpart CC - Standards of Performance for Glass Manufacturing Plants.
- (30) Subpart DD - Grain Elevators.
- (31) Subpart EE - Surface Coating of Metal Furniture.
- (32) Subpart FF - Reserved.
- (33) Subpart GG - Stationary Gas Turbines.
- (34) Subpart HH - Lime Manufacturing Plants.
- (35) Subpart II - Reserved.
- (36) Subpart JJ - Reserved.
- (37) Subpart KK - Lead-Acid Battery Manufacture.
 - (a) Subpart KKa - Lead Acid Battery Manufacturing Plants for ~~which~~which Construction, Modification or Reconstruction Commenced After February 23, 2022.
- (38) Subpart LL - Metallic Mineral Processing Plants.
- (39) Subpart MM - Automobile and Light-Duty Truck Surface Coating Operations.

(a) Subpart MMA - Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After May 18, 2022.

(40) Subpart NN - Phosphate Rock Plants.

(41) Subpart OO - Reserved.

(42) Subpart PP - Ammonium Sulfate Manufacturing.

(43) Subpart QQ - Graphic Arts Industry: Publication Rotogravure Printing.

(44) Subpart RR - Pressure Sensitive Tape and Label Surface Coating Industry.

(45) Subpart SS - Industrial Surface Coating - Large Appliances.

(46) Subpart TT - Metal Coil Surface Coating Operations.

(47) Subpart UU - Asphalt Processing and Asphalt Roofing Manufacture.

(48) Subpart VV - Equipment Leaks of VOC in the Synthetic Organic Chemical Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006.

(a) Subpart VVa - Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After November 7, 2006.

(b) Subpart VVb - Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After April 25, 2023.

(49) Subpart WW - Beverage Can Surface Coating Industry.

(50) Subpart XX - Bulk Gasoline Terminals.

(a) Subpart XXa - Bulk Gasoline Terminals that Commenced Construction, Modification, or Reconstruction After June 10, 2022.

(51) Subpart YY - Reserved.

(52) Subpart ZZ - Reserved.

- (53) Subpart AAA - Reserved.
- (54) Subpart BBB - Rubber Tire Manufacturing Industry.
- (55) Subpart CCC - Reserved.
- (56) Subpart DDD - Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.
- (57) Subpart EEE - Reserved.
- (58) Subpart FFF - Flexible Vinyl and Urethane Coating and Printing.
- (59) Subpart GGG - Subpart GGG - Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006.
- (a) Subpart GGGa - Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After November 7, 2006.
- (60) Subpart HHH - Synthetic Fiber Production Facilities.
- (61) Subpart III - VOC Emissions from SOCM I Air Oxidation Unit Processes.
- (a) Subpart IIIa - VOC Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes for which Construction, Reconstruction, or Modification Commenced After April 25, 2023.
- (62) Subpart JJJ - Petroleum Dry Cleaners.
- (63) Subpart KKK - Equipment Leaks of VOC from Onshore Natural Gas Processing Plants for which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011.
- (64) Subpart LLL - Standards of Performance for Onshore Natural Gas Processing for which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011: SO₂ Emissions.
- (65) Subpart MMM - Reserved.
- (66) Subpart NNN - VOC Emissions from SOCM I Distillation Operations.

(a) Subpart NNNa - VOC Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations for which Construction, Reconstruction, or Modification Commenced After April 25, 2023.

(67) Subpart OOO - Nonmetallic Mineral Processing Plants.

(68) Subpart PPP - Wool Fiberglass Insulation Manufacturing Plants.

(69) Subpart QQQ - VOC Emissions from Petroleum Refinery Wastewater Systems.

(70) Subpart RRR - Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry Reactor Processes.

(a) Subpart RRRa - VOC Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes for which Construction, Reconstruction, or Modification Commenced After April 25, 2023.

(71) Subpart SSS - Magnetic Tape Manufacturing Industry.

(72) Subpart TTT - Industrial Surface Coating; Plastic Parts for Business Machines.

(a) Subpart TTTa - Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for ~~which~~which Construction, Reconstruction, or Modification Commenced After June 21, 2022.

(73) Subpart UUU - Calciners and Dryers in Mineral Industries.

(74) Subpart VVV - Polymeric Coating of Supporting Substrates.

(75) Subpart WWW - Municipal Waste Landfills.

(76) Subpart XXX - Municipal Solid Waste Landfills that commenced construction, reconstruction, or modification after July 17, 2014.

(77) Subpart YYY - Reserved.

(78) Subpart ZZZ - Reserved.

(79) Subpart AAAA - Small Municipal Waste Combustion Units for which construction is commenced after August 30, 1999 or for which modification or reconstruction is commenced After June 6, 2001.

(80) Subpart BBBB - Reserved.

(81) Subpart CCCC - Commercial and Industrial Solid Waste Incineration Units for which construction is commenced after June 4, 2010 or for which modification or reconstruction is commenced on or after August 7, 2013.

(82) Subpart DDDD - Reserved.

(83) Subpart EEEE - ~~Reserved~~Other Solid Waste Incineration Units for which Construction is Commenced After December 9, 2004, or for which Modification or Reconstruction is Commenced on or After June 16, 2006.

(84) Subpart FFFF - Reserved.

(85) Subpart GGGG - Reserved.

(86) Subpart HHHH - Reserved.

(87) Subpart IIII - Stationary Compression Ignition Internal Combustion Engines.

(88) Subpart JJJJ - Stationary Spark Ignition Internal Combustion Engines.

(89) Subpart KKKK - Stationary Combustion Turbines.

(90) Subpart LLLL - New Sewage Sludge Incineration Units.

(91) Subpart OOOO - Crude Oil and Natural Gas Production, Transmission and Distribution.

(a) Subpart OOOOa - Crude Oil and Natural Gas Facilities for which construction, modification or reconstruction commenced after September 18, 2015.

(92) Subpart PPPP - Reserved.

(93) Subpart QQQQ - Reserved.

(94) Subpart RRRR - Reserved.

(95) Subpart SSSS - Reserved.

(96) Subpart TTTT - Greenhouse Gas Emissions from Electric Generating Units.

Author: Department of Environmental Management

Statutory Authority: Code of Ala. 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8, 41-22-9.

History: Effective May 25, 1976. **Amended:** Effective June 23, 1981; February 13, 1985; April 15, 1987; June 16, 1988; September 21, 1989; November 1, 1990; March 28, 1991; July 31, 1991; October 24, 1991. **Amended:** Filed November 23, 1993; effective December 28, 1993. **Amended:** Filed March 23, 1995; effective April 27, 1995. **Amended:** Filed October 17, 1996; effective November 21, 1996. **Amended:** Filed February 20, 1998; effective March 27, 1998. **Amended:** Filed June 10, 1999; effective July 15, 1999. **Amended:** Filed December 9, 1999; effective January 13, 2000. Adopted by Reference: Filed August 3, 2000; effective September 7, 2000. **Amended:** Filed February 7, 2002; effective March 14, 2002. **Amended:** Filed August 29, 2002; effective October 3, 2002. **Amended:** Filed February 27, 2003; effective April 3, 2003. **Amended:** Filed August 28, 2003; effective October 2, 2003. **Amended:** Filed February 15, 2005; effective March 22, 2005. **Amended:** Filed November 7, 2005; effective December 12, 2005. **Amended:** Filed June 6, 2006; effective July 11, 2006. **Amended:** Filed October 10, 2006; effective November 14, 2006. **Amended:** Filed February 27, 2007; effective April 3, 2007. **Amended:** Filed December 18, 2008; effective January 22, 2008. **Amended:** Filed July 1, 2008; effective August 5, 2008. **Amended:** Filed December 15, 2008; effective January 19, 2009. **Amended:** Filed February 23, 2010; effective March 30, 2010. **Amended:** Filed April 18, 2011; effective May 23, 2011. **Amended:** Filed April 24, 2012; effective May 29, 2012. **Amended:** Filed December 18, 2012; effective January 22, 2013. **Amended:** Filed April 23, 2013; effective May 28, 2013. **Amended:** Filed August 20, 2013; effective September 24, 2013. **Amended:** Filed October 20, 2015; effective November 24, 2015. **Amended:** Filed April 25, 2017; effective June 9, 2017. **Amended:** Published February 28, 2020; effective April 13, 2020. **Amended:** Published October 29, 2021; effective December 13, 2021. **Amended:** Published December 29, 2023; effective February 12, 2024. **Amended:** Published August 30, 2024; effective October 14, 2024. **Amended: Published ; effective** .

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No:	<u>335</u>
Department or Agency:	<u>Alabama Department of Environmental Management Air Division - Air Pollution Control Program</u>
Rule No:	<u>335-3-10-.02</u>
Rule Title:	<u>Designated Standards Of Performance</u>
Intended Action:	<u>Amend</u>

 This rule has no economic impact.

 Yes This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

The adoption of these revisions to Chapter 335-3-10 by the State of Alabama will allow the regulations to be implemented and enforced by the Alabama Department of Environment Management. As discussed above, adoption of these regulations will allow the Department to retain State primacy of the federal program.

2. COSTS/BENEFITS OF RULE AND WHY RULES IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

There will be no additional cost incurred by the residents of, or companies operating in, the State of Alabama if the revisions to the federal regulations are incorporated and adopted by the State. The costs are equivalent to the cost of compliance with the same regulations implemented by the federal government. Sources of air pollution will be subject to the same requirements for the installation of controls to prevent the emission of air pollution regardless of which agency (state or federal) implements these regulations.

3. EFFECT OF THIS RULE ON COMPETITION:

Adoption of these federally required regulations is not expected to have any effect on competition. As stated above, if the regulations are not adopted by the State of Alabama, they will be implemented on the federal level, and Alabama companies will be required to comply

with the federal regulations and answer directly to the federal Environmental Protection Agency (EPA).

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

Adoption of these federally required regulations is not expected to have any effect on the cost-of-living and doing business in the geographical area of implementation (State of Alabama). As stated above, if the regulations are not adopted by the State of Alabama, they will be implemented on the federal level. Therefore, Alabama companies still would be required to comply with the federal regulations and answer directly to the Federal EPA.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

Adoption of these federally required regulations is not expected to have any effect on the employment in the geographical area in which the regulation would be implemented (State of Alabama).

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

Revenue from the Federal Grant and fines and fees collected by the Department will fund the adoption of this regulation. For sources subject to Title V of the Clean Air Act, as amended, fees are collected based on the amount of air pollution emitted annually.

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON EFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

The adoption of the proposed regulation is not expected to have any short-term or long-term economic impact. As stated above, if the regulations are not adopted by the State of Alabama, they will be implemented on the federal level. Alabama companies would still be required to comply with the federal regulations and answer directly to the federal EPA.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

No additional burdens are expected as a result of the adoption of these regulations. If the regulations are not adopted by the State of Alabama, they will be implemented on the federal level. Alabama companies would still be required to comply with the federal regulations and answer directly to the Federal EPA.

9. **THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:**

The effect of the regulation on the environment and public health is addressed in the accompanying Federal Registers.

10. **DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:**

The benefits of the proposed regulations have been discussed in the above paragraphs, as well as, the Federal Registers. Alabama is required to adopt these regulations by the EPA in order to continue to have primacy in implementing an air pollution control program. In the event that the regulations are not adopted at the State level, the requirements will still exist at the federal level. However, it is generally acknowledged that regulations are implemented and enforced in a more effective and efficient manner at the State level than at the federal level.

Signature of certifying officer

Jeffery W. Kitchens

Jeffery W. Kitchens

Date

Monday, May 19, 2025

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 335

Department or Agency: Alabama Department of Environmental Management Air
Division - Air Pollution Control Program

Rule No.: 335-3-10-.03

Rule Title: Appendices To 40 CFR 60

Intended Action Amend

Would the absence of the proposed rule significantly harm or
endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police
power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available
that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly
increasing the costs of any goods or services involved? Yes

To what degree?: Industry cost of compliance as described in APA 6

Is the increase in cost more harmful to the public than the harm
that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the
purpose of, and so they have, as their primary effect, the
protection of the public? Yes

Does the proposed action relate to or affect in any manner any
litigation which the agency is a party to concerning the subject
matter of the proposed rule? No

Does the proposed rule have an economic impact? Yes

If the proposed rule has an economic impact, the proposed rule is required to be
accompanied by a fiscal note prepared in accordance with subsection (f) of Section
41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance
with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it
conforms to all applicable filing requirements of the Administrative Procedure
Division of the Legislative Services Agency.

Signature of certifying officer

Jeffery W. Kitchens
Jeffery W. Kitchens

Date

Monday, May 19, 2025

REC'D & FILED
MAY 19, 2025
LEGISLATIVE SVC AGENCY

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AIR DIVISION - AIR POLLUTION CONTROL PROGRAM

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-3-10-.03 Appendices To 40 CFR 60

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

In order to incorporate by reference EPA changes to the New Source Performance Standards (NSPS). This incorporation allows the EPA to delegate administrative enforcement of these regulations to ADEM. Chapter 335-3-10 is not considered as a part of the federally enforceable State implementation Plan (SIP). As such, any revisions to this Chapter/Rule are not proposed to be incorporated into Alabama's SIP.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held 10:00 a.m., July 7, 2025, in ADEM Hearing Room, 1400 Coliseum Blvd., Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, July 7, 2025

CONTACT PERSON AT AGENCY:

Larry Brown (334) 271-7878

Jeffery W. Kitchens

Jeffery W. Kitchens

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

- (1) Appendix A - Reference Method.
- (2) Appendix B - Performance Specifications.
- (3) Appendix F - Quality Assurance Procedures.

Author: Robert Cowne

Statutory Authority: Code of Ala. 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8, 41-22-9.

History: Effective Date: June 16, 1988. **Amended:** Effective Date: November 1, 1990; March 28, 1991; July 31, 1991; October 24, 1991. **Amended:** Filed November 23, 1993; effective December 28, 1993. **Amended:** Filed October 17, 1996; effective November 21, 1996. **Amended:** Filed December 9, 1999; effective January 13, 2000. Adopted by Reference: Filed August 3, 2000; effective September 7, 2000. **Amended:** Filed February 7, 2002; effective March 14, 2002. **Amended:** Filed August 29, 2002; effective October 3, 2002. **Amended:** Filed February 15, 2005; effective March 22, 2005. **Amended:** Filed October 10, 2006; effective November 14, 2006. **Amended:** Filed February 27, 2007; effective April 3, 2007. **Amended:** Filed December 18, 2008; effective January 22, 2008. **Amended:** Filed December 15, 2008; effective January 19, 2009. **Amended:** Filed February 23, 2010; effective March 30, 2010. **Amended:** Filed April 18, 2011; effective May 23, 2011. **Amended:** Filed April 23, 2013; effective May 28, 2013. **Amended (No changes were made to text or title):** Filed October 20, 2015; effective November 24, 2015. **Amended:** Filed April 25, 2017; effective June 9, 2017. **Amended (No changes were made to text or title):** Filed August 21, 2018; effective October 5, 2018. **Amended:** Published February 28, 2020; effective April 13, 2020. **Amended:** Published October 29, 2021; effective December 13, 2021. **Amended (No changes in text):** Published December 29, 2023; effective February 12, 2024. **Amended:** Published ; effective .

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No:	<u>335</u>
Department or Agency:	<u>Alabama Department of Environmental Management Air Division - Air Pollution Control Program</u>
Rule No:	<u>335-3-10-.03</u>
Rule Title:	<u>Appendices To 40 CFR 60</u>
Intended Action:	<u>Amend</u>

 This rule has no economic impact.

 Yes This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

The adoption of these revisions to Chapter 335-3-10 by the State of Alabama will allow the regulations to be implemented and enforced by the Alabama Department of Environment Management. As discussed above, adoption of these regulations will allow the Department to retain State primacy of the federal program.

2. COSTS/BENEFITS OF RULE AND WHY RULES IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

There will be no additional cost incurred by the residents of, or companies operating in, the State of Alabama if the revisions to the federal regulations are incorporated and adopted by the State. The costs are equivalent to the cost of compliance with the same regulations implemented by the federal government. Sources of air pollution will be subject to the same requirements for the installation of controls to prevent the emission of air pollution regardless of which agency (state or federal) implements these regulations.

3. EFFECT OF THIS RULE ON COMPETITION:

Adoption of these federally required regulations is not expected to have any effect on competition. As stated above, if the regulations are not adopted by the State of Alabama, they will be implemented on the federal level, and Alabama companies will be required to comply

APA-6

with the federal regulations and answer directly to the federal Environmental Protection Agency (EPA).

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

Adoption of these federally required regulations is not expected to have any effect on the cost-of-living and doing business in the geographical area of implementation (State of Alabama). As stated above, if the regulations are not adopted by the State of Alabama, they will be implemented on the federal level. Therefore, Alabama companies still would be required to comply with the federal regulations and answer directly to the Federal EPA.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

Adoption of these federally required regulations is not expected to have any effect on the employment in the geographical area in which the regulation would be implemented (State of Alabama).

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

Revenue from the Federal Grant and fines and fees collected by the Department will fund the adoption of this regulation. For sources subject to Title V of the Clean Air Act, as amended, fees are collected based on the amount of air pollution emitted annually.

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON EFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

The adoption of the proposed regulation is not expected to have any short-term or long-term economic impact. As stated above, if the regulations are not adopted by the State of Alabama, they will be implemented on the federal level. Alabama companies would still be required to comply with the federal regulations and answer directly to the federal EPA.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

No additional burdens are expected as a result of the adoption of these regulations. If the regulations are not adopted by the State of Alabama, they will be implemented on the federal level. Alabama companies would still be required to comply with the federal regulations and answer directly to the Federal EPA.

9. **THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:**

The effect of the regulation on the environment and public health is addressed in the accompanying Federal Registers.

10. **DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:**

The benefits of the proposed regulations have been discussed in the above paragraphs, as well as, the Federal Registers. Alabama is required to adopt these regulations by the EPA in order to continue to have primacy in implementing an air pollution control program. In the event that the regulations are not adopted at the State level, the requirements will still exist at the federal level. However, it is generally acknowledged that regulations are implemented and enforced in a more effective and efficient manner at the State level than at the federal level.

Signature of certifying officer

Jeffery W. Kitchens

Jeffery W. Kitchens

Date

Monday, May 19, 2025

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 335

Department or Agency: Alabama Department of Environmental Management Air
Division - Air Pollution Control Program

Rule No.: 335-3-11-.01

Rule Title: General

Intended Action Amend

Would the absence of the proposed rule significantly harm or
endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police
power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available
that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly
increasing the costs of any goods or services involved? Yes

To what degree?: Industry cost of compliance as described in APA 6.

Is the increase in cost more harmful to the public than the harm
that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the
purpose of, and so they have, as their primary effect, the
protection of the public? Yes

Does the proposed action relate to or affect in any manner any
litigation which the agency is a party to concerning the subject
matter of the proposed rule? No

Does the proposed rule have an economic impact? Yes

If the proposed rule has an economic impact, the proposed rule is required to be
accompanied by a fiscal note prepared in accordance with subsection (f) of Section
41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance
with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it
conforms to all applicable filing requirements of the Administrative Procedure
Division of the Legislative Services Agency.

Signature of certifying officer

Jeffery W. Kitchens
Jeffery W. Kitchens

Date

Monday, May 19, 2025

REC'D & FILED
MAY 19, 2025
LEGISLATIVE SVC AGENCY

APA-2

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AIR DIVISION - AIR POLLUTION CONTROL PROGRAM

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-3-11-.01 General

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions to the Division 3 Code are being proposed to amend Rules 335-3-11-.01 in Chapter 335-3-11 in order to incorporate by reference EPA changes to the National Emission Standards for Hazardous Air Pollutants (NESHAPs). This incorporation allows the EPA to delegate administrative enforcement of these regulations to ADEM. Chapter 335-3-11 is not considered as a part of the federally enforceable State Implementation Plan (SIP). As such, any revisions to this Chapter/Rule are not proposed to be incorporated into Alabama's SIP.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held 10:00 a.m., July 7, 2025, in ADEM Hearing Room, 1400 Coliseum Blvd., Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, July 7, 2025

CONTACT PERSON AT AGENCY:

Larry Brown (334) 271-7878

Jeffery W. Kitchens

Jeffery W. Kitchens

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

335-3-11-.01**General.**

(1) The Environmental Protection Agency Regulations, and the Appendices applicable thereto, governing Hazardous Air Pollutants, 40 CFR, Part 61 and Appendices, designated in rules 335-3-11-.02 and 335-3-11-.03 and 40 CFR Part 63, and Appendices designated in rules 335-3-11-.06 and 335-3-11-.07 are incorporated by reference as they exist in 40 CFR 61 (2021), and 40 CFR 63 (July 1, 2023), ~~and 89 FR 16408 [03/06/2024; amendments to Subpart A and RRRRR4]~~, and 89 FR 55684 [07/05/2024; amendments to Subparts A, L and CCCC], 89 FR 57735 [07/16/2024; amendments to Subparts A and AAAA], 89 FR 70505 [08/30/2024; amendments to Subpart ZZZZ], 89 FR 73293 [09/10/2024; amendments to Subpart A], 89 FR 84291 [10/22/2024; amendments to Subparts HH and HHH], 89 FR 94886 [11/29/2024; amendments to Subparts A and XXXX], 89 FR 96106 [12/04/2024; amendments to Subpart AAAA] and 90 FR 1040 [01/07/2025; amendments to Subpart A], as amended by the word or phrase substitutions given in rule 335-3-11-.04. References for specific documents containing the complete text of subject regulations are given in Appendix C to these Regulations. Authorities which are not delegable to the state are also listed in Appendix C.

[NOTE: The standards pertaining to the Consolidated Federal Air Rule are located in Chapter 335-3-11A.]

(a) The materials incorporated by reference are available for purchase and inspection at the Department's offices at 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

(2) In the event of any conflict between the regulations contained in this Chapter and regulations contained in other Chapters, the more stringent regulations will take precedence.

(3) Definitions. For purposes of this Chapter, the definitions listed in 40 CFR 61.02, Subpart A will apply in Rules 335-3-11-.02 and 335-3-11-.03 and the definitions listed in 40 CFR 63.2, Subpart A will apply in Rules 335-3-11-.06 and 335-3-11-.07.

Author: Department of Environmental Management

Statutory Authority: Code of Ala. 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8, 41-22-9.

History: Effective May 25, 1976. **Amended:** Effective February 13, 1985; June 9, 1987; June 16, 1988; November 1, 1990; March 28, 1991; July 31, 1991; September 19, 1991. **Amended:** Filed November 23, 1993; effective December 28, 1993. **Amended:** Filed October 19, 1995; effective November 23, 1995. **Amended:** Filed October 17, 1996; effective November 21, 1996. **Amended:** Filed August 21, 1997; effective September 25, 1997. **Amended:** Filed February 20, 1998; effective March 27, 1998. **Amended:** Filed

October 15, 1998; effective November 19, 1998. **Amended:** Filed June 10, 1999; effective July 15, 1999. **Amended:** Filed December 9, 1999; effective January 13, 2000. **Amended:** Filed August 3, 2000; effective September 7, 2000. **Amended:** Filed February 7, 2002; effective March 14, 2002. **Amended:** Filed August 29, 2002; effective October 3, 2002. **Amended:** Filed February 27, 2003; effective April 3, 2003. **Amended:** Filed August 28, 2003; effective October 2, 2003. **Amended:** Filed February 15, 2005; effective March 22, 2005. **Amended:** Filed November 7, 2005; effective December 12, 2005. **Amended:** Filed June 6, 2006; effective July 11, 2006. **Amended:** Filed February 27, 2007; effective April 3, 2007. **Amended:** Filed December 18, 2008; effective January 22, 2008. **Amended:** Filed July 1, 2008; effective August 5, 2008. **Amended:** Filed December 15, 2008; effective January 19, 2009. **Amended:** Filed February 23, 2010; effective March 30, 2010. **Amended:** Filed April 18, 2011; effective May 23, 2011. **Amended:** Filed April 24, 2012; effective May 29, 2012. **Amended:** Filed December 18, 2012; effective January 22, 2013. **Amended:** Filed April 13, 2013; effective May 28, 2013. **Amended:** Filed August 20, 2013; effective September 24, 2013. **Amended:** Filed October 20, 2015; effective November 24, 2015. **Amended:** Filed April 25, 2017; effective June 9, 2017. **Amended:** Filed August 21, 2018; effective October 5, 2018. **Amended:** Published February 28, 2020; effective April 13, 2020. **Amended:** Published October 29, 2021; effective December 13, 2021. **Amended:** Published December 29, 2023; effective February 12, 2024. **Amended:** Published August 30, 2024; effective October 14, 2024. **Amended:** Published ; effective .

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No:	<u>335</u>
Department or Agency:	<u>Alabama Department of Environmental Management Air Division - Air Pollution Control Program</u>
Rule No:	<u>335-3-11-.01</u>
Rule Title:	<u>General</u>
Intended Action:	<u>Amend</u>

 This rule has no economic impact.

 Yes This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

The adoption of these revisions to Chapter 335-3-11 by the State of Alabama will allow the regulations to be implemented and enforced by the Alabama Department of Environment Management. As discussed above, adoption of these regulations will allow the Department to retain State primacy of the federal program.

2. COSTS/BENEFITS OF RULE AND WHY RULES IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

There will be no additional cost incurred by the residents of, or companies operating in, the State of Alabama if the revisions to the federal regulations are incorporated and adopted by the State. The costs are equivalent to the cost of compliance with the same regulations implemented by the federal government. Sources of air pollution will be subject to the same requirements for the installation of controls to prevent the emission of air pollution regardless of which agency (state or federal) implements these regulations.

3. EFFECT OF THIS RULE ON COMPETITION:

Adoption of these federally required regulations is not expected to have any effect on competition. As stated above, if the regulations are not adopted by the State of Alabama, they will be implemented on the federal level, and Alabama companies will be required to comply

with the federal regulations and answer directly to the federal Environmental Protection Agency (EPA).

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

Adoption of these federally required regulations is not expected to have any effect on the cost-of-living and doing business in the geographical area of implementation (State of Alabama). As stated above, if the regulations are not adopted by the State of Alabama, they will be implemented on the federal level. Therefore, Alabama companies still would be required to comply with the federal regulations and answer directly to the Federal EPA.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

Adoption of these federally required regulations is not expected to have any effect on the employment in the geographical area in which the regulation would be implemented (State of Alabama).

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

Revenue from the Federal Grant and fines and fees collected by the Department will fund the adoption of this regulation. For sources subject to Title V of the Clean Air Act, as amended, fees are collected based on the amount of air pollution emitted annually.

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON EFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

The adoption of the proposed regulation is not expected to have any short-term or long-term economic impact. As stated above, if the regulations are not adopted by the State of Alabama, they will be implemented on the federal level. Alabama companies would still be required to comply with the federal regulations and answer directly to the Federal EPA.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

No additional burdens are expected as a result of the adoption of these regulations. If the regulations are not adopted by the State of Alabama, they will be implemented on the federal level. Alabama companies would still be required to comply with the federal regulations and answer directly to the Federal EPA.

9. **THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:**

The effect of the regulation on the environment and public health is addressed in the accompanying Federal Registers.

10. **DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:**

The benefits of the proposed regulations have been discussed in the above paragraphs, as well as, the Federal Registers. Alabama is required to adopt these regulations by the EPA in order to continue to have primacy in implementing an air pollution control program. In the event that the regulations are not adopted at the State level, the requirements will still exist at the federal level. However, it is generally acknowledged that regulations are implemented and enforced in a more effective and efficient manner at the State level than at the federal level.

Signature of certifying officer

Jeffery W. Kitchens

Jeffery W. Kitchens

Date

Monday, May 19, 2025

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 335

Department or Agency: Alabama Department of Environmental Management Air
Division - Air Pollution Control Program

Rule No.: 335-3-11-.06

Rule Title: National Emission Standards For Hazardous Air
Pollutants For Source Categories

Intended Action Amend

Would the absence of the proposed rule significantly harm or
endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police
power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available
that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly
increasing the costs of any goods or services involved? Yes

To what degree?: Industry cost of compliance as described in APA 6.

Is the increase in cost more harmful to the public than the harm
that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the
purpose of, and so they have, as their primary effect, the
protection of the public? Yes

Does the proposed action relate to or affect in any manner any
litigation which the agency is a party to concerning the subject
matter of the proposed rule? No

Does the proposed rule have an economic impact? Yes

If the proposed rule has an economic impact, the proposed rule is required to be
accompanied by a fiscal note prepared in accordance with subsection (f) of Section
41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance
with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it
conforms to all applicable filing requirements of the Administrative Procedure
Division of the Legislative Services Agency.

Signature of certifying officer

Jeffery W. Kitchens
Jeffery W. Kitchens

Date

Monday, May 19, 2025

REC'D & FILED
MAY 19, 2025

LEGISLATIVE SVC AGENCY

APA-2

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AIR DIVISION - AIR POLLUTION CONTROL PROGRAM**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-3-11-.06 National Emission Standards For
Hazardous Air Pollutants For Source Categories

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions to the Division 3 Code are being proposed to amend Rules 335-3-11-.01 in Chapter 335-3-11 in order to incorporate by reference EPA changes to the National Emission Standards for Hazardous Air Pollutants (NESHAPs). This incorporation allows the EPA to delegate administrative enforcement of these regulations to ADEM. Chapter 335-3-11 is not considered as a part of the federally enforceable State Implementation Plan (SIP). As such, any revisions to this Chapter/Rule are not proposed to be incorporated into Alabama's SIP.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held 10:00 a.m., July 7, 2025, in ADEM Hearing Room, 1400 Coliseum Blvd., Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, July 7, 2025

CONTACT PERSON AT AGENCY:

Larry Brown (334) 271-7878

Jeffery W. Kitchens

Jeffery W. Kitchens

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

**National Emission Standards For Hazardous Air
Pollutants For Source Categories.**

(1) Subpart A - General Provisions.

(2) Subpart B - Requirements for Control Technology
Determinations for Major Sources in Accordance With Clean Air Act
Sections, Sections 112(g) and 112(j).

**[NOTE: The requirements for implementation of §112(g) are found
in Rule 335-3-14-.06]**

(3) Subpart D - Regulations Governing Compliance Extensions for
Early Reductions of Hazardous Air Pollutants.

(4) Reserved.

(5) Subpart F - National Emission Standards for Hazardous Air
Pollutants From Synthetic Organic Chemical Manufacturing
Industry.

(6) Subpart G - National Emission Standards for Organic Hazardous
Air Pollutants From Synthetic Organic Chemical Manufacturing
Industry Process Vents, Storage Vessels, Transfer Operations, and
Wastewater.

(7) Subpart H - National Emission Standards for Organic Hazardous
Air Pollutants for Equipment Leaks.

(8) Subpart I - National Emission Standards for Organic Hazardous
Air Pollutants for Certain Processes Subject to the Negotiated
Regulation for Equipment Leaks.

(9) Reserved.

(10) Reserved.

(11) Subpart L - National Emission Standards for Coke Oven
Batteries.

(12) Subpart M - National Perchloroethylene Air Emission
Standards for Dry Cleaning Facilities.

(13) Subpart N - National Emission Standards for Chromium
Emissions from Hard and Decorative Chromium Electroplating and
Chromium Anodizing Tanks.

(14) Subpart O - Ethylene Oxide Emissions Standards for
Sterilization Facilities.

(15) Reserved.

(16) Subpart Q - National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.

(17) Subpart R - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).

(18) Subpart S - National Emission Standards for Hazardous Air Pollutants for Pulp and Paper Production.

(19) Subpart T - National Emission Standards for Halogenated Solvent Cleaning.

(20) Subpart U - National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.

(21) Reserved.

(22) Subpart W - National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production.

(23) Subpart X - National Emission Standards from Secondary Lead Smelting.

(24) Subpart Y - National Emission Standards for Marine Tank Vessel Loading Operations [with the exceptions of those subsections referencing the Valdez Marine Terminal (VMT) in Alaska].

(25) Reserved.

(26) Subpart AA - National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants.

(27) Subpart BB - National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants.

(28) Subpart CC - National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.

(29) Subpart DD - National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.

(30) Subpart EE - National Emission Standards for Magnetic Tape Manufacturing Operations.

(31) Reserved.

(32) Subpart GG - National Emission Standards for Aerospace Manufacturing and Rework Facilities.

(33) Subpart HH - National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities.

(34) Subpart II - National Emission Standards for Shipbuilding and Ship Repair (Surface Coating) Operations.

(35) Subpart JJ - National Emission Standards for Wood Furniture Manufacturing Operations.

(36) Subpart KK - National Emission Standards for the Printing and Publishing Industry.

(37) Reserved.

(38) Subpart MM - National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills.

(39) Reserved.

(40) Subpart OO - National Emission Standards for Tanks - Level 1.

(41) Subpart PP - National Emission Standards for Containers.

(42) Subpart QQ - National Emission Standards for Surface Impoundments.

(43) Subpart RR - National Emission Standards for Individual Drain Systems.

(44) Subpart SS - National Emission Standards Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.

(45) Subpart TT - National Emission Standards for Equipment Leaks - Control Level 1.

(46) Subpart UU - National Emission Standards for Equipment Leaks - Control Level 2 Standards.

(47) Subpart VV National Emission Standards for Oil-Water Separators and Organic-Water Separators.

(48) Subpart WW - National Emission Standards for Storage Vessels (Tanks) - Control Level 2.

(49) Subpart XX - National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.

(50) Subpart YY - National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards.

(51) Reserved.

(52) Reserved.

(53) Reserved.

(54) Subpart CCC - National Emission Standards for Hazardous Air Pollutants for Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants.

(55) Subpart DDD - National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.

(56) Subpart EEE - National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors.

(57) Reserved.

(58) Subpart GGG - National Emission Standards for Hazardous Air Pollutants for Source Categories: Pharmaceuticals Production.

(59) Subpart HHH - National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities.

(60) Subpart III - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.

(61) Subpart JJJ - National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins.

(62) Reserved.

(63) Subpart LLL - National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry.

(64) Subpart MMM - National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.

(65) Subpart NNN - National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.

(66) Subpart OOO - National Emission Standards for Hazardous Air Pollutants for Amino/Phenolic Resins Production.

(67) Subpart PPP - National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production.

(68) Reserved.

(69) Subpart RRR - National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.

(70) Reserved.

(71) Reserved.

(72) Subpart UUU - National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.

(73) Subpart VVV - National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.

(74) Reserved.

(75) Subpart XXX - National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese.

(76) Reserved.

(77) Reserved.

(78) Subpart AAAA -National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills.

(79) Reserved.

(80) Subpart CCCC - National Emission Standards for Hazardous Air Pollutants: Nutritional Yeast.

(81) Subpart DDDD - National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products.

(82) Subpart EEEE - National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline).

(83) Subpart FFFF - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing.

(84) Subpart GGGG - National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production.

(85) Subpart HHHH - National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production.

(86) Subpart IIII - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks.

(87) Subpart JJJJ - National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating.

(88) Subpart KKKK - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans.

(89) Reserved.

(90) Subpart MMMM - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.

(91) Subpart NNNN - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances.

(92) Subpart OOOO - National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles.

(93) Subpart PPPP - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.

(94) Subpart QQQQ - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products.

(95) Subpart RRRR - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture.

(96) Subpart SSSS - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil.

(97) Reserved.

(98) Reserved.

(99) Subpart VVVV - National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing.

(100) Subpart WWWW - National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production.

(101) Subpart XXXX - National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing.

(102) Subpart YYYY - National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.

(103) Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (major source provisions only).

(104) Subpart AAAAA - National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.

(105) Subpart BBBB - National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.

(106) Subpart CCCCC - National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.

(107) Subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters.

(108) Subpart EEEEE - National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.

(109) Subpart FFFFF - National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities.

(110) Subpart GGGGG - National Emission Standards for Hazardous Air Pollutants: Site Remediation.

(111) Subpart HHHHH - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing.

(112) Subpart IIIII - National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants.

(113) Subpart JJJJJ - National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.

(114) Subpart KKKKK - National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.

(115) Subpart LLLLL - National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing.

(116) Reserved.

(117) Subpart NNNNN - National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production.

(118) Reserved.

(119) Subpart PTTTT - National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards.

(120) Subpart QQQQQ - National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities

(121) Subpart RRRRR - National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing.

(122) Reserved.

(123) Subpart TTTTT - National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining

(124) Subpart UUUUU- National Emission Standards for Hazardous Air Pollutants for Coal- and Oil-Fired Electric Utility Steam Generating Units.

(125) Reserved.

(126) Reserved.

(127) Reserved.

(128) Subpart YYYYY- National Emission Standards for Hazardous Air Pollutants for Electric arc Furnace Steelmaking Facilities Area Sources.

(129) Subpart ZZZZZ - National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.

(130) Reserved.

(131) ~~Reserved~~ Subpart BBBBBB - National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.

(132) Reserved.

(133) Subpart DDDDDD - National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.

(134) Subpart EEEEEEE - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources.

(135) Subpart FFFFFFFF - National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources.

(136) Subpart GGGGGG - National Emission Standards for Hazardous Air Pollution for Primary Nonferrous Metals Area Sources - Zinc, Cadmium, and Beryllium.

(137) Reserved.

(138) Reserved.

(139) Reserved.

(140) Reserved.

(141) Subpart LLLLLL - National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.

(142) Subpart MMMMM - National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources.

(143) Reserved.

(144) Subpart OOOOOO - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources.

(145) Subpart PPPPPP - National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources.

(146) Subpart QQQQQQ - National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources.

(147) Reserved.

(148) Reserved.

(149) Subpart TTTTTT- National Emission Standards for Hazardous Air Pollutants for Secondary nonferrous Metals Processing Area Sources.

(150) Reserved.

(151) Subpart VVVVVV - National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources.

(152) Reserved.

(153) Reserved.

(154) Subpart YYYYYY- National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production Facilities Area Sources.

(155) Subpart ZZZZZZ - National Emission Standards for Hazardous Air Pollutants for Aluminum, Copper, and Other Nonferrous Foundries Area Sources.

(156) Subpart AAAAAA - National Emission Standards for Hazardous Air Pollutants for Asphalt Processing and Asphalt Roofing Manufacturing Area Sources.

(157) Reserved.

(158) Subpart CCCCCC - National Emission Standards for Hazardous Air Pollutants for Paints and Allied Products Manufacturing Area Sources.

(159) Subpart DDDDDD - National Emission Standards for Hazardous Air Pollutants for Prepared Feeds Manufacturing Area Sources.

(160) Reserved.

(161) Reserved.

(162) Reserved.

(163) Subpart HHHHHH - National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production.

Author: Richard E. Grusnick

Statutory Authority: Code of Ala. 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8, 41-22-9.

History: New Rule: Filed October 19, 1995; effective November 23, 1995. **Amended:** Filed October 17, 1996; effective November 21, 1996. **Amended:** Filed August 21, 1997; effective September 25, 1997. **Amended:** Filed June 10, 1999; effective July 15, 1999. **Amended:** Filed December 9, 1999; effective January 13, 2000. **Amended:** Filed August 3, 2000; effective September 7,

2000. **Amended:** Filed February 7, 2002; effective March 14,
 2002. **Amended:** Filed August 29, 2002; effective October 3,
 2002. **Amended:** Filed February 27, 2003; effective April 3,
 2003. **Amended:** Filed August 28, 2003; effective October 2,
 2003. **Amended:** Filed February 15, 2005; effective March 22,
 2005. **Amended:** Filed November 7, 2005; effective December 12,
 2005. **Amended:** Filed June 6, 2006; effective July 11, 2006.
Amended: Filed February 27, 2007; effective April 3, 2007.
Amended: Filed December 18, 2008; effective January 22, 2008.
Amended: Filed July 1, 2008; effective August 5, 2008. **Amended:**
 Filed December 15, 2008; effective January 19, 2009. **Amended:**
 Filed February 23, 2010; effective March 30, 2010. **Amended:**
 Filed April 18, 2011; effective May 23, 2011. **Amended:** Filed
 April 24, 2012; effective May 29, 2012. **Amended:** Filed December
 18, 2012; effective January 22, 2013. **Amended:** Filed April 13,
 2013; effective May 28, 2013. **Amended:** Filed August 20, 2013;
 effective September 24, 2013. **Amended:** Filed October 20, 2015;
 effective November 24, 2015. **Amended:** Filed April 25, 2017;
 effective June 9, 2017. **Amended (no changes were made to the**
text or title): Filed August 21, 2018; effective October 5,
 2018. **Amended:** Published February 28, 2020; effective April 13,
 2020. **Amended:** Published October 29, 2021; effective December
 13, 2021. **Amended:** Published December 29, 2023; effective
 February 12, 2024. **Amended:** Published August 30, 2024; effective
 October 14, 2024. **Amended:** Published ; effective .

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No:	<u>335</u>
Department or Agency:	<u>Alabama Department of Environmental Management Air Division - Air Pollution Control Program</u>
Rule No:	<u>335-3-11-.06</u>
Rule Title:	<u>National Emission Standards For Hazardous Air Pollutants For Source Categories</u>
Intended Action:	<u>Amend</u>

 This rule has no economic impact.

 Yes This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

The adoption of these revisions to Chapter 335-3-11 by the State of Alabama will allow the regulations to be implemented and enforced by the Alabama Department of Environment Management. As discussed above, adoption of these regulations will allow the Department to retain State primacy of the federal program.

2. COSTS/BENEFITS OF RULE AND WHY RULES IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

There will be no additional cost incurred by the residents of, or companies operating in, the State of Alabama if the revisions to the federal regulations are incorporated and adopted by the State. The costs are equivalent to the cost of compliance with the same regulations implemented by the federal government. Sources of air pollution will be subject to the same requirements for the installation of controls to prevent the emission of air pollution regardless of which agency (state or federal) implements these regulations.

3. EFFECT OF THIS RULE ON COMPETITION:

Adoption of these federally required regulations is not expected to have any effect on competition. As stated above, if the regulations are not adopted by the State of Alabama, they will be implemented on the federal level, and Alabama companies will be required to comply

with the federal regulations and answer directly to the federal Environmental Protection Agency (EPA).

4. **EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:**

Adoption of these federally required regulations is not expected to have any effect on the cost-of-living and doing business in the geographical area of implementation (State of Alabama). As stated above, if the regulations are not adopted by the State of Alabama, they will be implemented on the federal level. Therefore, Alabama companies still would be required to comply with the federal regulations and answer directly to the Federal EPA.

5. **EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:**

Adoption of these federally required regulations is not expected to have any effect on the employment in the geographical area in which the regulation would be implemented (State of Alabama).

6. **SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:**

Revenue from the Federal Grant and fines and fees collected by the Department will fund the adoption of this regulation. For sources subject to Title V of the Clean Air Act, as amended, fees are collected based on the amount of air pollution emitted annually.

7. **THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON EFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:**

The adoption of the proposed regulation is not expected to have any short-term or long-term economic impact. As stated above, if the regulations are not adopted by the State of Alabama, they will be implemented on the federal level. Alabama companies would still be required to comply with the federal regulations and answer directly to the Federal EPA.

8. **UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:**

No additional burdens are expected as a result of the adoption of these regulations. If the regulations are not adopted by the State of Alabama, they will be implemented on the federal level. Alabama companies would still be required to comply with the federal regulations and answer directly to the Federal EPA.

9. **THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:**

The effect of the regulation on the environment and public health is addressed in the accompanying Federal Registers.

10. **DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:**

The benefits of the proposed regulations have been discussed in the above paragraphs, as well as, the Federal Registers. Alabama is required to adopt these regulations by the EPA in order to continue to have primacy in implementing an air pollution control program. In the event that the regulations are not adopted at the State level, the requirements will still exist at the federal level. However, it is generally acknowledged that regulations are implemented and enforced in a more effective and efficient manner at the State level than at the federal level.

Signature of certifying officer

Jeffery W. Kitchens

Jeffery W. Kitchens

Date

Monday, May 19, 2025

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 335

Department or Agency: Alabama Department of Environmental Management Air Division

Rule No.: 335-3-14-.03

Rule Title: Standards For Granting Permits

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Jeffery W. Kitchens
Jeffery W. Kitchens

Date

Monday, May 19, 2025

REC'D & FILED

MAY 19, 2025

LEGISLATIVE SVC AGENCY

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AIR DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-3-14-.03 Standards For Granting Permits

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions to the Division 3 Code are being proposed to amend Rule 335-3-14-.03 to reinstate provisions relating to violations of emission limits during start-up, shut-down, and malfunctions of equipment.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held 10:00 a.m., July 7, 2025, in ADEM Hearing Room, 1400 Coliseum Blvd., Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, July 7, 2025

CONTACT PERSON AT AGENCY:

Larry Brown (334) 271-7878

Jeffery W. Kitchens

Jeffery W. Kitchens

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

(1) General Standards.

(a) The Director shall deny a permit if the applicant does not show that every article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of these rules and regulations.

(b) The Director shall deny a permit if the applicant does not present, in writing, a plan whereby the emission of air contaminants by every article, machine, equipment, or other contrivance described in the permit application, will be reduced during periods of an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency in accordance with the provisions of Chapter 335-3-2, where such a plan is required.

(c) Before an Air Permit is granted, the Director may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment, or other contrivance described in the Air Permit. In the event of such a requirement, the Director shall notify the applicant in writing of the required size, number, and location of the sampling platform; the access to the sampling platform; and the utilities for operating and sampling and testing equipment.

(d) The Director may also require the applicant to install, use, and maintain such monitoring equipment or methods; sample such emissions in accordance with such methods, at such locations, intervals, and procedures as may be specified; and provide such information as the Director may require.

(e) Before acting on an application for an Air Permit, the Director may require the applicant to furnish further information or further plans or specifications.

(f) If the Director finds that the article, machine, or other contrivance has been constructed not in accordance with the Air Permit, and if the changes noted are of a substantial nature in that the amount of air contaminants emitted by the

article, machine, equipment, or other contrivance may be increased, or in that the effect is unknown, then he shall revoke the Air Permit. The Director shall not accept any further application for an Air Permit until the article, machine, equipment, or other contrivance has been reconstructed in accordance with said Air Permit or until the applicant has proven to the satisfaction of the Director that the change will not cause an increase in the emission of air contaminants.

(g) The Director shall deny an Air Permit where he determines that the construction and operation of such source will interfere with attaining or maintaining any primary or secondary standard established by Rule 335-3-1-.03(1). A new source or modification will be considered to interfere with attaining or maintaining a standard when such source or modification would, at a minimum, exceed the following significance levels at any locality that does not or would not meet the NAAQS:

Pollutant	Annual	24 hours	8 hours	3 hours	1 hour
SO ₂	1.0 µg/m ³	5 µg/m ³		25 µg/m ³	
PM ₁₀	1.0 µg/m ³	5 µg/m ³			
PM _{2.5}	0.3 µg/m ³	1.2 µg/m ³			
NO ₂	1.0 µg/m ³				
CO			0.5 mg/m ³		2 mg/m ³

1. A proposed major source or major modification subject to this Paragraph may reduce the impact of its emissions upon air quality by obtaining sufficient emissions reductions to, at a minimum, compensate for its adverse ambient impact where this impact would otherwise cause or contribute to a violation of any national ambient air quality standard or exceed the significance levels of subparagraph (g). of this paragraph above. In the absence of such emission reductions, the Director shall deny the proposed construction.

2. The requirements of subparagraph (g) of this paragraph shall not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that, as to that pollutant, the source or modification is located in an area designated as nonattainment pursuant to Section 107 of the federal Clean Air Act.

(h) Exceptions to violations of emissions limits.

1. The Director may, in the Air Permit, exempt on a case by case basis any exceedances of emission limits which cannot reasonably be avoided, such as during periods of start-up, shut-down or load change.

2. Emergency provision.

(i) An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the facility, including acts of God, which situation require immediate corrective action to restore normal operation, and that causes the facility to exceed a technology based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

(ii) Exceedances of emission limitations during emergencies (as defined above) at a facility may be exempted as being violations provided that:

(I) the permittee can identify the cause(s) of the emergency;

(II) the permitted facility was at the time being properly operated;

(III) during the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements of the permit;

(IV) the permittee submitted notice of the emergency to the Department within 2 working days of the time when the emissions limitations were exceeded due to the emergency; and

(V) the permittee immediately documented the emergency exceedance in an "Emergency Log", which shall be maintained for 5 years in a form suitable for inspection upon request by a representative of the Department.

(iii) The Director shall be the sole determiner of whether an emergency has occurred.

(iv) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

~~3. ADEM Admin. Code r. 335-3-14-.03(1)(h)1. and 2. are repealed effective upon the EPA's final approval of this provision.~~

(i) A determination may be made by the Director to deny a permit application if the applicant operates other permitted facilities or sources within the state which are in substantial noncompliance as determined by the Director, until such noncompliance is corrected or if the Director determines that a permit that results in compliance with applicable air pollution control standards could not be issued, or if issued, could not be complied with.

(2) Stack Heights.

(a) Definitions. For purposes of this paragraph, the following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:

1. "Emission limitation" and "emission standard" mean a requirement, established by ADEM or the EPA Administrator, which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

2. "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

3. "A stack in existence" means that the owner or operator had (1) begun, or caused to begin, a continuous program of physical on-site construction of the stack or (2) entered into binding agreements or contractual obligations, which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

4. "Dispersion technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by:

(i) Using that portion of a stack which exceeds good engineering practice stack height;

(ii) Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or

(iii) Increasing final exhaust gas plume rise by manipulating source-process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise.

(iv) The preceding sentence does not include:

(I) The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;

(II) The merging of exhaust gas streams where:

I. The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams:

II. After July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the definition of "dispersion techniques" shall apply only to the emission limitation for the pollutant affected by such change in operation; or

III. Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the

emission limitation or, in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of pollutants actually emitted prior to the merging, the Director shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the Director shall deny credit for the effects of such merging in calculating the allowable emissions for the source:

(III) Smoke management in agricultural or silvicultural prescribed burning programs:

(IV) Episodic restrictions on residential woodburning and open burning; or

(V) Techniques under subparagraph (a)4.(iii) of this paragraph which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.

5. "Good engineering practice" (GEP) stack height means the greater of:

(i) 65 meters measured from the ground-level elevation at the base of the stack:

(ii) For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable permits or approvals required under 40 CFR 51 and 52, provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation;

$$H_g = 2.5H$$

(I) For all other stacks,

$$H_g = H + 1.5L$$

where:

H_g = good engineering practice stack height
measured from the ground-level elevation at the
base of the stack,

H = height of nearby structure(s) measured from
the ground-level elevation at the base of the
stack,

L = lesser dimension, height or projected width
of nearby structure(s), provided that the
Director may require the use of a field study or
fluid model to verify GEP stack height for the
source; or

(iii) The height demonstrated by a fluid model or a
field study approved by the Director, which ensures
that the emissions from a stack do not result in
excessive concentrations of any air pollutant as a
result of atmospheric downwash, wakes, or eddy
effects created by the source itself, nearby
structures, or nearby terrain features.

6. "Nearby" as used in subparagraph (a)5. of this
paragraph is defined for a specific structure or terrain
feature and

(i) for purposes of applying the formulas provided
in subparagraph (a)5.(ii) of this paragraph means
that distance up to five times the lesser of the
height or the width dimension of a structure, but
not greater than 0.8 km ($\frac{1}{2}$ mile); and

(ii) for conducting demonstrations under
subparagraph (a)5.(iii) of this paragraph means not
greater than 0.8 km ($\frac{1}{2}$ mile), except that the
portion of a terrain feature may be considered to be
nearby which falls within a distance of up to 10
times the maximum height (ht) of the feature, not to
exceed 2 miles if such feature achieves a height
(ht) 0.8 km from the stack that is at least 40
percent of the GEP stack height determined by the
formula provided in subparagraph (a)5.(ii)(I) of
this paragraph or 26 meters, whichever is greater,
as measured from the ground-level elevation at the
base of the stack. The height of the structure or
terrain feature is measured from the ground-level
elevation at the base of the stack.

7. "Excessive concentration" is defined for the purpose of determining GEP stack height under subparagraph (a)5.(iii) of this paragraph and means:

(i) for sources seeking credit for stack height exceeding that established under subparagraph (a)5.(ii) of this paragraph, a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than a NAAQS. For sources subject to the PSD program (Rule 335-3-14-.04), an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and greater than a prevention of significant deterioration increment. The allowable emissions rate to be used in making demonstrations under this Rule shall be prescribed by the new source performance standard that is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the Director, an alternative emission rate shall be established in consultation with the source owner or operator;

(ii) for sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under subparagraph (a)5.(ii) of this paragraph, either:

(I) a maximum ground-level concentration due in whole or part to downwash, wakes, or eddy effects as provided in subparagraph (a)7.(i) of this paragraph, except that the emission rate specified elsewhere in these regulations (or, in the absence of such a limit, the actual emission rate) shall be used, or

(II) the actual presence of a local nuisance caused by the existing stack, as determined by the Director; and

(iii) for sources seeking credit after January 12, 1979, for a stack height determined under subparagraph (a)5.(ii) of this paragraph where the Director requires that use of a field study or fluid model to verify GEP stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not adequately represented by the equations in subparagraph (a)5.(ii) of this paragraph, a maximum ground-level concentration due in whole or part to downwash, wakes, or eddy effects that is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

(b) Before acting on any Air Permit, the Director shall require that the degree of emission limitation required of any source for control of any air pollutants shall not be affected by so much of any source's stack height that exceeds GEP or by any other dispersion technique, except as provided in subparagraph (c) of this paragraph below.

(c) The provisions of subparagraph (b) above shall not apply to stack heights in existence, or dispersion techniques implemented, prior to December 31, 1970, except where pollutants are being emitted from such stacks or using such dispersion techniques by sources, as defined in Section 111(a) (3) of the Clean Air Act, which were constructed, or reconstructed or for which major modifications, as defined pursuant to Rules 335-3-14-.05(2) (d) and 335-3-14-.04(2) (b), were carried out after December 31, 1970.

(d) If any existing source, after appropriate application of the preceding limitations and provisions, is found to exceed or potentially exceed a NAAQS or PSD increment, when operating within previously established emission limitations, the emissions limitations applicable to that source shall be modified so as to eliminate and prevent the exceedance.

(e) If any new source or source modification, after appropriate application of the preceding limitations and provisions, is predicted to exceed a NAAQS or PSD increment when evaluated under emission limitations consistent with other applicable rules and regulations, the emission

limitations considered shall be deemed inadequate and different emission limits, based on air quality considerations, shall be made applicable.

(f) If any source provides a field study or fluid modeling demonstration proposing a GEP stack height greater than that allowed by subparagraphs (a)5.(i) and (a)5.(ii) of this paragraph, then the public will be notified of the availability of the study and provided the opportunity for a public hearing before any new or revised emission limitation or permit is approved.

(g) The actual stack height used or proposed by a source shall not be restricted in any manner by requirements of this paragraph.

Author: James W. Cooper, John E. Daniel, Ronald Gore

Statutory Authority: Code of Ala. 1975, §§22-28-14, 22-22A-5, 22-22A-6, 22-22A-8.

History: Effective January 18, 1972. **Amended:** April 3, 1979; February 13, 1980; March 24, 1981; March 23, 1982; February 13, 1985; November 13, 1985; September 18, 1986; June 9, 1987; May 4, 1988; September 21, 1989; November 1, 1990; October 30, 1992.

Amended: Filed November 23, 1993; effective December 28, 1993.

Amended: Filed October 17, 1996; effective November 21, 1996.

Amended: Filed August 3, 2000; effective September 7, 2000.

Amended: Filed June 6, 2006; effective July 11, 2006. **Amended:** Filed April 18, 2011; effective May 23, 2011. **Amended:** Published December 29, 2023; effective February 12, 2024. **Amended:**

Published ; effective .

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 335

Department or Agency: Alabama Department of Environmental Management Air Division

Rule No.: 335-3-15-.04

Rule Title: Synthetic Minor Operating Permit Requirements

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Jeffery W. Kitchens
Jeffery W. Kitchens

Date

Monday, May 19, 2025

REC'D & FILED

MAY 19, 2025

LEGISLATIVE SVC AGENCY

APA-2

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AIR DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-3-15-.04 Synthetic Minor Operating Permit
Requirements

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions to the Division 3 Code are being proposed to amend Rule 335-3-15-.04 to reinstate provisions relating to violations of emission limits during start-up, shut-down, and malfunctions of equipment.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held 10:00 a.m., July 7, 2025, in ADEM Hearing Room, 1400 Coliseum Blvd., Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, July 7, 2025

CONTACT PERSON AT AGENCY:

Larry Brown (334) 271-7878

Jeffery W. Kitchens

Jeffery W. Kitchens

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

(1) General Provisions.

(a) The Synthetic Minor Operating Permit shall include specific conditions that restrict the facility's potential to emit and that are federally enforceable.

(b) Any Stationary Source requesting a Synthetic Minor Operating Permit must undergo the public participation procedures prescribed in Rule 335-3-15-.05.

(c) A Potential Major Source that does not obtain a Synthetic Minor Operating Permit shall apply for an Operating Permit.

(d) The Department shall act, within a reasonable time, on an application for a Synthetic Minor Operating Permit and shall notify the applicant in writing of its approval, conditional approval, or denial.

(e) In the event of a denial of a Synthetic Minor Operating Permit, the Department shall notify the applicant in writing of the reason therefore. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served or affidavit of the person making the service. The Department shall not accept a further application unless the applicant has complied with the objections specified by the Department as its reasons for denial of the Synthetic Minor Operating Permit.

(f) The facility shall obtain a Synthetic Minor Operating Permit prior to beginning operation of the new or modified Stationary Source and shall notify the Department at least ten (10) days prior to beginning such operation.

(g) Any Stationary Source applying for a Synthetic Minor Operating Permit shall submit applications for a Synthetic Minor Operating Permit at least 10 days prior to construction except as specified in subparagraph (3)(c) of this Rule.

(h) The holder of a Synthetic Minor Operating Permit shall comply with all conditions contained in such permit, as well as all applicable provisions of this Administrative Code. Such conditions shall be permanent, quantifiable and otherwise enforceable as a practical matter. Synthetic Minor Operating Permits which do not conform to the provision in this Chapter and the requirements of EPA's underlying regulations may be deemed not "federally enforceable" by EPA.

(2) Existing Potential Major Sources.

(a) Any facility that would request a Synthetic Minor Operating Permit shall apply to the Department within one year after approval by EPA of the Operating Permit regulations in Chapter 335-3-16.

(b) Any facility possessing an Operating Permit or whose potential emissions require it to obtain an Operating Permit may, at any time, accept federally enforceable permit restrictions which would allow it to obtain a Synthetic Minor Operating Permit.

(3) New Potential Major Sources.

(a) Any new Potential Major Source which commences construction after November 15, 1995, may apply to the Department for a Synthetic Minor Operating Permit. This application shall be accurately completed and submitted to the Department prior to such construction.

(b) A Synthetic Minor Operating Permit for a new Potential Major Source shall expire and the application shall be canceled two years from the date of issuance of the Synthetic Minor Operating Permit if construction has not begun.

(c) Any new Stationary Source applying for a Synthetic Minor Operating Permit at a greenfield site shall not initiate construction until the Synthetic Minor Operating Permit has been issued. "Greenfield site" shall have the same meaning as defined in Rule 335-3-14-.01(7)(a)1.(i).

(4) Modifications to Synthetic Minor Sources.

(a) Any Stationary Source subject to the regulations in this Chapter that is modified so that it becomes a major source as defined in Rule 335-3-16-.01(15) shall apply for an Operating Permit within twelve (12) months of beginning operation.

(b) Any modification which would require a change to existing permit conditions that restrict the facility's potential to emit or require new conditions that restrict the facility's potential to emit, as required in subparagraph (1)(a) of this Rule, must undergo the public participation procedures prescribed in Rule 335-3-15-.05.

(5) Exceptions to Violations of Emission Limits.

(a) The Director may, in the Synthetic Minor Operating Permit, exempt on a case by case basis any exceedances of

emission limits or permit conditions which cannot reasonably be avoided, such as during periods of start-up and shut-down or load change.

(b) The Director may exempt on a case by case basis exceedances of emission limits and permit conditions which cannot reasonably be avoided as a result of an "emergency" situation.

1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the facility, including acts of God. These are situations that require immediate corrective action(s) to restore normal operation, and that cause the facility to exceed a technology based emission limitation set by the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include exceedances of the permit emission limitations caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

2. Exceedances of emissions limitations during emergencies at a facility may be exempted as being violations provided that:

(i) the permittee identifies the cause(s) of the emergency;

(ii) the permitted facility was being properly operated until such a time as the emergency occurred;

(iii) during the period of which the emergency occurred, the permittee took all reasonable steps to minimize levels of emissions that exceeded the standards, or other requirements of the permit; and

(iv) the permittee submitted notice of the emergency to the Department within two (2) working days of the time when the emissions limitations were exceeded as a result of the emergency. Such notice shall include those deviations attributable to upset conditions as defined in the permit, the probable cause of said deviations, and any corrective actions or preventive measures that were taken. Within 5 working days of the emergency, a written documentation of what was reported in the notice of the emergency shall be submitted to the Department.

3. The Director shall be the sole determiner of whether an emergency has occurred.

4. This provision is in addition to any emergency or upset provision contained in any applicable requirement of the permit or the regulations.

~~(c) ADEM Admin. Code r. 335-3-15-.04(5)(a) and (b) are repealed effective upon the EPA's final approval of this provision.~~

Author: Richard E. Grusnick

Statutory Authority: Code of Ala. 1975, §§22-22A-4, 22-22A-5, 22-22A-6, and 22-22A-8.

History: New Rule: Filed November 23, 1993; effective December 28, 1993. **Amended:** October 17, 1996; effective November 21, 1996. **Amended:** Published December 29, 2023; effective February 12, 2024. **Amended:** Published ; effective .

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 335

Department or Agency: Alabama Department of Environmental Management Air Division

Rule No.: 335-3-16-.11

Rule Title: Exceptions To Violations Of Emissions Limits

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Jeffery W. Kitchens
Jeffery W. Kitchens

Date

Monday, May 19, 2025

REC'D & FILED

MAY 19, 2025

LEGISLATIVE SVC AGENCY

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AIR DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-3-16-.11 Exceptions To Violations Of Emissions
Limits

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions to the Division 3 Code are being proposed to amend Rule 335-3-16-.11 to remove provisions relating to emergencies. Chapter 335-3-16 is not considered as a part of the federally enforceable State implementation Plan (SIP). As such, any revisions to this Chapter/Rule are not proposed to be incorporated into Alabama's SIP.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held 10:00 a.m., July 7, 2025, in ADEM Hearing Room, 1400 Coliseum Blvd., Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, July 7, 2025

CONTACT PERSON AT AGENCY:

Larry Brown (334) 271-7878

Jeffery W. Kitchens

Jeffery W. Kitchens

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

(1) The Director may, in the operating permit, exempt on a case-by-case basis exceedances of emission limits which cannot reasonably be avoided, such as during periods of start-up, shut-down or load change. For emission limits established by federal rules (e.g., NSPS, NESHAP, and MACT) exemptions may be granted only where provisions for such exemptions are contained in the applicable rule or its general provisions.

~~(2) Emergency provision.~~

~~(a) An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.~~

~~(b) Exceedances of emission limits during emergencies (as defined above) at a facility may be exempted from being violations provided that:~~

- ~~1. The permittee can identify the cause(s) of the emergency;~~
- ~~2. At the time of the emergency, the permitted facility was being properly operated;~~
- ~~3. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit;~~
- ~~4. The permittee submitted notice of the emergency to the permitting authority within two (2) working days of the time when emission limitations were exceeded due to the emergency. Such notice shall include those deviations attributable to upset conditions as defined in the permit, the probable cause of said deviations, and any corrective actions or preventive measures that were taken. Within five (5) working days of the emergency, a written documentation what was reported in the notice of the emergency shall be submitted to the Department; and~~
- ~~5. The permittee immediately documented the emergency exceedance in an "Emergency Log", which shall be maintained for five (5)~~

~~years in a form suitable for inspection upon request by a representative of the Department.~~

~~(c) The Director shall be the sole determiner of whether an emergency has occurred.~~

~~(d) This provision is in addition to any emergency or upset provision contained in any applicable requirement.~~

~~(e) An emergency constitutes an affirmative defense.~~

Author: Richard E. Grusnick

Statutory Authority: Code of Ala. 1975, §§22-22A-4, 22-22A-5, 22-22A-6, 22-22A-8.

History: New Rule: Filed November 23, 1993; Effective Date: December 28, 1993. **Amended:** Filed December 9, 1999; effective January 13, 2000. Amended: Published ; effective .

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 335

Department or Agency: Alabama Department Of Environmental Management

Rule No.: 335-3-C

Rule Title: Appendix C - EPA Reference Documents For New Source Performance Standards And National Emission Standards For Hazardous Air Pollutants

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Jeffery W. Kitchens
Jeffery W. Kitchens

Date

Monday, May 19, 2025

REC'D & FILED
MAY 19, 2025
LEGISLATIVE SVC AGENCY

APA-2

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-3-C Appendix C - EPA Reference Documents For New
Source Performance Standards And National Emission
Standards For Hazardous Air Pollutants

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Appendix C is being revised to reflect the changes in Chapter 10 and 11 of this Division.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held 10:00 a.m., July 7, 2025, in ADEM Hearing Room, 1400 Coliseum Blvd., Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, July 7, 2025

CONTACT PERSON AT AGENCY:

Larry Brown (334) 271-7878

Jeffery W. Kitchens

Jeffery W. Kitchens

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

335-3-C

**Appendix C - EPA Reference Documents For New Source
Performance Standards And National Emission
Standards For Hazardous Air Pollutants.**

APPENDIX C

**ENVIRONMENTAL PROTECTION AGENCY REGULATIONS
REFERENCE DOCUMENTS**

CROSS REFERENCED TO ADEM RULES AND REGULATIONS

**NEW SOURCE PERFORMANCE STANDARDS
NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS**

The complete text of all finalized EPA regulations incorporated into these regulations is located in the documents listed below. Amendments, revisions, or clarifications of EPA regulations which have been codified in the CFR, as well as of finalized regulations which have not yet been codified, are not included in this listing and interested parties are advised to consult the Federal Register for such amendments or revisions. The exceptions listed below are identified by EPA as nondelegable to the States.

ADEM Chapter 335-3-10	40 CFR Part 60	Exceptions
335-3-10-.02(1) Subpart A	Subpart A	§60.8 (b) (2) §60.8 (b) (3) §60.11 (e) (7) §60.11 (e) (8) §60.13 (g) §60.13 (i) §60.13 (j) (2)
335-3-10-.02(2) Subpart D	Subpart D	
335-3-10-.02(2) (a) Subpart Da	Subpart Da	§60.45a
335-3-10-.02(2) (b) Subpart Db	Subpart Db	§60.44b (f) §60.44b (g) §60.49b (a) (4)
335-3-10-.02(2) (c) Subpart Dc	Subpart Dc	§60.48c (a) (4)

335-3-10-.02(3) Subpart E	Subpart E	
335-3-10-.02(3)(a) Subpart Ea	Subpart Ea	
335-3-10-.02(3)(b) Subpart Eb	Subpart Eb	
335-3-10-.02(3)(c) Subpart Ec	Subpart Ec	§60.56c(i)
335-3-10-.02(4) Subpart F	Subpart F	§60.66
335-3-10-.02(5) Subpart G	Subpart G	
335-3-10-.02(5)(a) Subpart Ga	Subpart Ga	
335-3-10-.02(6) Subpart H	Subpart H	
335-3-10-.02(7) Subpart I	Subpart I	
335-3-10-.02(8) Subpart J	Subpart J	§60.105(a)(13)(iii)
		§60.106(i)(12)
335-3-10-.02(8)(a) Subpart Ja	Subpart Ja	§60.109b
335-3-10-.02(9) Subpart K	Subpart K	
335-3-10-.02(9)(a) Subpart Ka	Subpart Ka	§60.114a
335-3-10-.02(9)(b) Subpart Kb	Subpart Kb	§60.111b(f)(4)
		§60.114(b)
		§60.116(e)(3)(iii)
		§60.116(e)(3)(iv)
		§60.116b(f)(2)(iii)
335-3-10-.02(9)(c) <u>Subpart Kc</u>	<u>Subpart Kc</u>	<u>§60.117c(b)</u>
<u>335-3-10-.02</u> (12) Subpart L	Subpart L	<u>—</u>
<u>335-3-10-.02(12)(a) Subpart La</u>	<u>Subpart La</u>	
335-3-10-.02(13) Subpart M	Subpart M	
335-3-10-.02(14) Subpart N	Subpart N	
335-3-10-.02(14)(a) Subpart Na	Subpart Na	
335-3-10-.02(15) Subpart O	Subpart O	§60.153(e)

335-3-10-.02(16) Subpart P	Subpart P	
335-3-10-.02(17) Subpart Q	Subpart Q	
335-3-10-.02(18) Subpart R	Subpart R	
335-3-10-.02(19) Subpart S	Subpart S	
335-3-10-.02(20) Subpart T	Subpart T	
335-3-10-.02(21) Subpart U	Subpart U	
335-3-10-.02(22) Subpart V	Subpart V	
335-3-10-.02(23) Subpart W	Subpart W	
335-3-10-.02(24) Subpart X	Subpart X	
335-3-10-.02(25) Subpart Y	Subpart Y	
335-3-10-.02(26) Subpart Z	Subpart Z	
335-3-10-.02(27) Subpart AA	Subpart AA	
335-3-10-.02(27)(a) Subpart AAa	Subpart AAa	
335-3-10-.02(27)(b) Subpart AAb	Subpart AAb	
335-3-10-.02(28) Subpart BB	Subpart BB	
335-3-10-.02(28) Subpart BBa	Subpart BBa	
335-3-10-.02(29) Subpart CC	Subpart CC	
335-3-10-.02(30) Subpart DD	Subpart DD	
335-3-10-.02(31) Subpart EE	Subpart EE	§60.316(d)
335-3-10-.02(32) Subpart FF	Subpart FF	
335-3-10-.02(33) Subpart GG	Subpart GG	§60.334(b)(2)
		§60.335(f)(1)
35-3-10-.02(34) Subpart HH	Subpart HH	
335-3-10-.02(35) Subpart II	Reserved	
335-3-10-.02(36) Subpart JJ	Reserved	
335-3-10-.02(37) Subpart KK	Subpart KK	
335-3-10-.02(37)(a) Subpart KKa	Subpart KKa	
335-3-10-.02(38) Subpart LL	Subpart LL	

335-3-10-.02 (39) Subpart MM	Subpart MM	
335-3-10-.02 (39) (a) Subpart MMA	Subpart MMA	
335-3-10-.02 (40) Subpart NN	Subpart NN	
335-3-10-.02 (41) Subpart OO	Reserved	
335-3-10-.02 (42) Subpart PP	Subpart PP	
335-3-10-.02 (43) Subpart QQ	Subpart QQ	
335-3-10-.02 (44) Subpart RR	Subpart RR	§60.446 (c)
335-3-10-.02 (45) Subpart SS	Subpart SS	§60.456 (d)
335-3-10-.02 (46) Subpart TT	Subpart TT	§60.466 (d)
335-3-10-.02 (47) Subpart UU	Subpart UU	§60.474 (g)
335-3-10-.02 (48) Subpart VV	Subpart VV	§60.482-1 (c) (2)
		§60.484
335-3-10-.02 (48) (a) Subpart VVa	Subpart VVa	
335-3-10-.02 <u>(48) (b) Subpart VVb</u>	<u>Subpart VVb</u>	<u>—</u>
<u>335-3-10-.02</u> (49) Subpart WW	Subpart WW	§60.496 (c)
335-3-10-.02 (50) Subpart XX	Subpart XX	§60.502 (e) (6)
<u>335-3-10-.02 (50) (a) Subpart XXa</u>	<u>Subpart XXa</u>	<u>—</u>
335-3-10-.02 (51) Subpart YY	Reserved	
335-3-10-.02 (52) Subpart ZZ	Reserved	
335-3-10-.02 (53) Subpart AAA	Reserved	
335-3-10-.02 (54) Subpart BBB	Subpart BBB	§60.543 (c) (2) (ii) (B)
335-3-10-.02 (55) Subpart CCC	Reserved	
335-3-10-.02 (56) Subpart DDD	Subpart DDD	§60.562-2 (c)
335-3-10-.02 (57) Subpart EEE	Reserved	
335-3-10-.02 (58) Subpart FFF	Subpart FFF	
335-3-10-.02 (59) Subpart GGG	Subpart GGG	
335-3-10-.02 (59) (a) Subpart GGG (a)	Subpart GGG (a) <u>GGGa</u>	

335-3-10-.02 (60) Subpart HHH	Subpart HHH	
335-3-10-.02 (61) Subpart III	Subpart III	§60.613 (e)
<u>335-3-10-.02 (61) (a) Subpart IIIa</u>	<u>Subpart IIIa</u>	—
335-3-10-.02 (62) Subpart JJJ	Subpart JJJ	
335-3-10-.02 (63) Subpart KKK	Subpart KKK	
335-3-10-.02 (64) Subpart LLL	Subpart LLL	
335-3-10-.02 (65) Subpart MMM	Reserved	
335-3-10-.02 (66) Subpart NNN	Subpart NNN	§60.663 (e)
335-3-10-.02 <u>(66) (a) Subpart NNNa</u>	<u>Subpart NNNa</u>	—
<u>335-3-10-.02</u> (67) Subpart OOO	Subpart OOO	
335-3-10-.02 (68) Subpart PPP	Subpart PPP	
335-3-10-.02 (69) Subpart QQQ	Subpart QQQ	
335-3-10-.02 (70) Subpart RRR	Subpart RRR	§60.703 (e)
<u>335-3-10-.02 (70) (a) Subpart RRRa</u>	<u>Subpart RRRa</u>	—
335-3-10-.02 (71) Subpart SSS	Subpart SSS	§60.711 (a) (16) §60.713 (b) (1) (i) §60.713 (b) (1) (ii) §60.713 (b) (5) (i) §60.713 (d) §60.715 (a) §60.716
335-3-10-.02 (72) Subpart TTT	Subpart TTT	§60.726 (b)
335-3-10-.02 (72) (a) Subpart TTTa	Subpart TTTa	§60.726a (b)
335-3-10-.02 (73) Subpart UUU	Subpart UUU	
335-3-10-.02 (74) Subpart VVV	Subpart VVV	§60.743 (a) (3) (v) (A) §60.743 (a) (3) (v) (B)

		§60.743 (e)
		§60.745 (a)
		§60.746
335-3-10-.02 (75) Subpart WWW	Subpart WWW	§60.754 (a) (5)
335-3-10-.02 (76) Subpart XXX	Subpart XXX	§60.754 (a) (5)
335-3-10-.02 (77) Reserved	Reserved	
335-3-10-.02 (78) Reserved	Reserved	
335-3-10-.02 (79) Subpart AAAA	Subpart AAAA	
335-3-10-.02 (80) Reserved	Reserved	
335-3-10-.02 (81) Subpart CCCC	Subpart CCCC	§60.2030 (c)
335-3-10-.02 (82) Reserved	Reserved	
335-3-10-.02 (83) Reserved <u>Subpart EEEE</u>	Reserved <u>Subpart EEEE</u>	§60.2889 (b)
335-3-10-.02 (84) Reserved	Reserved	
ADEM Chapter 335-3-10	40 CFR Part 60	Exceptions
335-3-10-.02 (85) Reserved	Reserved	
335-3-10-.02 (86) Reserved	Reserved	
335-3-10-.02 (87) Subpart IIII	Subpart IIII	§60.2025
335-3-10-.02 (88) Subpart JJJJ	Subpart JJJJ	
335-3-10-.02 (89) Subpart KKKK	Subpart KKKK	§60.2025
335-3-10-.02 (90) Subpart LLLL	Subpart LLLL	§60.4785 (c)
335-3-10-.02 (91) Subpart OOOO	Subpart OOOO	
335-3-10-.02 (91a) <u>(91) (a)</u> Subpart OOOOa	Subpart OOOOa	
335-3-10-.02 (92) Reserved	Reserved	
335-3-10-.02 (93) Reserved	Reserved	
335-3-10-.02 (94) Reserved	Reserved	
335-3-10-.02 (95) Reserved	Reserved	
335-3-10-.02 (96) <u>Subpart</u> TTTT	Subpart TTTT	§60.5575 (b)

335-3-10-.03(1) Appendix A

335-3-10-.03(2) Appendix B

335-3-10-.03(3) Appendix F

ADEM Chapter 335-3-11

335-3-11-.02(1) Subpart A

335-3-11-.02(2) Subpart C

335-3-11-.02(3) Subpart D

335-3-11-.02(4) Subpart E

335-3-11-.02(5) Subpart F

335-3-11-.02(9) Subpart J

335-3-11-.02(11) Subpart L

335-3-11-.02(12) Subpart M

335-3-11-.02(13) Subpart N

335-3-11-.02(14) Subpart O

Appendix A

Appendix B

Appendix F

40 CFR Part 61

Subpart A

Subpart C

Subpart D

Subpart E

Subpart F

Subpart J

Subpart L

Subpart M

Subpart N

Subpart O

Exceptions

§61.04 (b)

§61.12

§61.13 (h)

§61.13 (i)

§61.14 (d)

§61.14 (g)

§61.32 (b)

§61.53 (c) (4)

§61.55 (d)

§61.66

§61.67 (g)

§61.112 (c)

§61.136 (d)

§61.149 (c) (2)

§61.150 (a) (4)

§61.151 (c)

§61.152 (b) (3)

§61.154 (d)

§61.155 (a)

§61.162 (c)

§61.163 (h)

§61.164 (a)

§61.174 (a)

335-3-11-.02(15) Subpart P	Subpart P	
335-3-11-.02(21) Subpart V	Subpart V	§61.242-1(c)(2)
		§61.244
335-3-11-.02(22) Reserved	Reserved	
335-3-11-.02(23) Reserved	Reserved	
335-3-11-.02(24) Subpart Y	Subpart Y	§61.273
335-3-11-.02(25) Reserved	Reserved	
335-3-11-.02(26) Reserved	Reserved	
335-3-11-.02(27) Subpart BB	Subpart BB	
335-3-11-.02(28) Reserved	Reserved	
335-3-11-.02(29) Reserved	Reserved	
335-3-11-.02(30) Reserved	Reserved	
335-3-11-.02(31) Subpart FF	Subpart FF	§61.353
335-3-11-.03(1) Appendix B	Appendix B	

ADEM Chapter 335-3-11

40 CFR Part 63

Exceptions

335-3-11-.06(1) Subpart A	Subpart A	§63.6(g)
		§63.6(h)(9)
		§63.7(e)(2)(ii)
		§63.7(f)
		§63.8(f)
		§63.10(f)
335-3-11-.06(2) Subpart B	Subpart B	
335-3-11-.06(3) Subpart D	Subpart D	
335-3-11-.06(4) Reserved	Reserved	
335-3-11-.06(5) Subpart F	Subpart F ¹	See Footnote §63.106(c)
335-3-11-.06(6) Subpart G	Subpart G	§63.153(c) (1)-(4)
335-4-11-.06(7) Subpart H	Subpart H ²	See Footnote §63.183(c)

335-3-11-.06(8) Subpart I	Subpart I ³	See Footnote §63.507(c)
335-3-11-.06(9) Reserved	Reserved	
335-3-11-.06(10) Reserved	Reserved	
335-3-11-.06(11) Subpart L	Subpart L ⁴	See Footnote §63.313(d)
335-3-11-.06(12) Subpart M	Subpart M ⁵	See Footnote §63.326(c)

¹ ~~The following are not delegable: (1) Approval of alternatives to requirements in §§63.100, 63.102, and 63.104. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. (2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

² ~~The following are not delegable: (1) Approval of alternatives to the requirements in §§63.160, 63.162 through 63.176, 63.178 through 63.179. Follow the applicable procedures of §63.177 to request an alternative means of emission limitation for batch processes and enclosed vented process units. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. Where these standards reference another subpart and modify the requirements, the requirements shall be modified as described in this subpart. Delegation of the modified requirements will also occur according to the delegation provisions of the referenced subpart. (2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

³ ~~The following are not delegable: (1) Approval of alternatives to the requirements in §§63.190 and 63.192(a) through (b), (c), and (h) through (j). Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. (2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

⁴ ~~The following are not delegable: (1) Approval of alternatives to the requirements in §§63.300 and 63.302 through 63.308 (except the authorities in 63.306(a)(2) and (d)). (2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of any changes to~~

~~section 2 of Method 303 in appendix A of this part. (4) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (5) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

ADEM Chapter 335-3-11	40 CFR Part 63	Exceptions
335-3-11-.06(13) Subpart N	Subpart N	§63.348 (c) (1)-(4)
335-3-11-.06(14) Subpart O	Subpart O	§63.368 (c) (1)-(4)
335-3-11-.06(15) Reserved	Reserved	
335-3-11-.06(16) Subpart Q	Subpart Q ⁶	See Footnote §63.407 (c)
335-3-11-.06(17) Subpart R	Subpart R	§63.429 (c)
335-3-11-.06(18) Subpart S	Subpart S ⁷	See Footnote §63.458 (c)
335-3-11-.06(19) Subpart T	Subpart T ⁸	See Footnote §63.470 (c)
335-3-11-.06(20) Subpart U	Subpart U ⁹	See Footnote §63.507 (c)
335-3-11-.06(21) Reserved	Reserved	
335-3-11-.06(22) Subpart W	Subpart W ¹⁰	See Footnote §63.529 (c)
335-3-11-.06(23) Subpart X	Subpart X	§63.551 (c) (1)-(4)
335-3-11-.06(24) Subpart Y	Subpart Y	§63.568 (c) (1)-(4)
335-3-11-.06(25) Reserved	Reserved	

⁵ ~~The following are not delegable: (1) Approval of alternatives to the requirements in §§63.320 and 63.322(a) through (j). Follow the requirements in §63.325 to demonstrate that alternative equipment or procedures are equivalent to the requirements of §63.322. (2) Approval of major alternatives to test methods under 63.7(e)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under §63.8(f), as defined §63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

⁶ ~~The following are not delegable: (1) Approval of alternatives to the requirements in §§63.400 and 63.402 through 63.403. (2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

⁷ ~~The following are not delegable: (1) Approval of alternatives to the requirements in §§63.440, 63.443 through 63.447 and 63.450. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. (2) Approval of alternatives to using §§63.457(b)(5)(iii), 63.457(c)(5)(ii) through (iii), and 63.257(c)(5)(ii), and any major alternatives to test methods under §63.7(e)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of alternatives using §64.453(m) and any major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

⁸ ~~The following are not delegable: (1) Approval of alternatives to the requirements in §§63.460, 63.462(a) through (d), and 63.463 through 63.464 (except for the authorities in §63.463(d)(9)). Use the procedures in §63.469 to request the use of alternative equipment or procedures. (2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

⁹ ~~The following are not delegable: (1) Approval of alternatives to the requirements in §§63.480 through 63.481, 63.483(a) through (c), 63.484, 63.485(a) through (k), (m), through (s), (u), 63.486 through 63.487, 63.488(a), (b)(1) through (4), (5)(iv) through (v), (6) through (7), (c) through (i), 63.493 through 63.494, 63.500(a)(1) through (3), (b), 63.501, 63.502(a) through (f), (i), (k) through (m), and 63.503. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. Where these standards reference another subpart and modify the requirements, the requirements shall be modified as described in this subpart. Delegation of the modified requirements will also occur according to the delegation provisions of the referenced subpart. (2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

¹⁰ ~~The following are not delegable: (1) Approval of alternatives to the requirements in §§63.520, 63.521, 63.523, and 63.524. Where these standards reference another rule, the cited provisions in that rule will be delegated according to the delegation provisions of that rule. (2) Approval of major alternatives to test methods for under §63.7(e)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

335-3-11-.06(26)	Subpart AA	Subpart AA	§63.611 (b) (1)–(5)
335-3-11-.06(27)	Subpart BB	Subpart BB	§63.632 (b)
335-3-11-.06(28)	Subpart CC	Subpart CC	§63.656 (c) (1)–(4)
335-3-11-.06(29)	Subpart DD	Subpart DD ¹¹	See Footnote §63.698 (c)
335-3-11-.06(30)	Subpart EE	Subpart EE ¹²	See Footnote §63.708 (c)
335-3-11-.06(31)	Reserved	Reserved	
335-3-11-.06(32)	Subpart GG	Subpart GG	§63.759 (c) (1)–(4)
335-3-11-.06(33)	Subpart HH	Subpart HH ¹³	See Footnote §63.776 (c)
335-3-11-.06(34)	Subpart II	Subpart II ¹⁴	See Footnote §63.789 (c)
335-3-11-.06(35)	Subpart JJ	Subpart JJ ¹⁵	See Footnote §63.808 (c)
335-3-11-.06(36)	Subpart KK	Subpart KK ¹⁶	See Footnote §63.831 (c)
335-3-11-.06(37)	Reserved	Reserved	
335-3-11-.06(38)	Subpart MM	Subpart MM	§63.868 (b)
335-3-11-.06(39)	Reserved	Reserved	
335-3-11-.06(40)	Subpart OO	Subpart OO ¹⁷	See Footnote §63.908 (c)

¹¹ ~~The following are not delegable: (1) Approval of alternatives to the requirements in §§63.680, 63.683 through 63.691, and 63.693. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. (2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

¹² ~~The following are not delegable: (1) Approval of alternatives to the requirements in §§63.701 and 63.703. (2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

¹³ ~~The following are not delegable: (1) Approval of alternatives to the requirements in §§63.760, 63.764 through 63.766, 63.769, 63.771, and 63.777. (2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (4) Approval of major~~

~~alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

~~¹⁴ The following are not delegable: (1) Approval of alternatives to the requirements in §§63.780 through 63.781, and 63.783 through 63.784. (2) Approval of major alternatives to test methods under §63.7(c)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

~~¹⁵ The following are not delegable: (1) Approval of alternatives to the requirements in §§63.800, 63.802, and 63.803(a)(1), (b), (c) introductory text, and (d) through (l). (2) Approval of alternatives to the monitoring and compliance requirements in §§63.804(f)(4)(iv)(D) and (E), 63.804(g)(4)(iii)(C), 63.804(g)(4)(vi), and 63.804(g)(6)(vi). (3) Approval of major alternatives to test methods under §63.7(c)(2)(ii) and (f), as defined in §63.90, and as required in this subpart, as well as approval of any alternatives to the specific test methods under §§63.805(a), 63.805(d)(2)(v), and 63.805(e)(1). (4) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (5) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

~~¹⁶ The following are not delegable: (1) Approval of alternatives to the requirements in §§63.820 through 63.821 and 63.823 through 63.826. (2) Approval of alternatives to the test method for organic HAP content determination in §63.827(b) and alternatives to the test method for volatile matter in §63.827(c), and major alternatives to other test methods under §63.7(c)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

~~¹⁷ The following are not delegable: (1) Approval of alternatives to the requirements in §63.900 and 63.902. (2) Approval of major alternatives to test methods under §63.7(c)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

ADEM Chapter 335-3-11

335-3-11-.06(41) Subpart PP
335-3-11-.06(42) Subpart QQ
335-3-11-.06(43) Subpart RR
335-3-11-.06(44) Subpart SS
335-3-11-.06(45) Subpart TT
335-3-11-.06(46) Subpart UU
335-3-11-.06(47) Subpart VV

40 CFR Part 63

Subpart PP¹⁸
Subpart QQ¹⁹
Subpart RR²⁰
Subpart SS
Subpart TT²¹
Subpart UU²²
Subpart VV²³

Exceptions

~~See Footnote~~[§63.939\(c\)](#)
~~See Footnote~~[§63.949\(c\)](#)
~~See Footnote~~[§63.967\(c\)](#)
§63.992(b)
~~See Footnote~~[§63.1000\(b\)\(1\)](#)
~~See Footnote~~[§63.1019\(f\)\(1\)](#)
~~See Footnote~~[§63.1050\(c\)](#)

335-3-11-.06(48) Subpart WW	Subpart WW ²⁴	See Footnote §63.1067(b)
335-3-11-.06(49) Subpart XX	Subpart XX	§63.1097(b)
335-3-11-.06(50) Subpart YY	Subpart YY	§63.1114 (e)(1)-(5) (b)

¹⁸ ~~The following are not delegable: (1) Approval of alternatives to the requirements in §§ 63.920 and 63.922 through 63.924. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. (2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

¹⁹ ~~The following are not delegable: (1) Approval of alternatives to the requirements in §§63.940, 63.942, and 63.943. Where these standards reference subpart DD, the cited provisions will be delegated according to the delegation provisions of subpart DD. (2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

²⁰ ~~The following are not delegable: (1) Approval of alternatives to the requirements in §§63.960 and 63.962. Where these standards reference subpart DD, the cited provisions will be delegated according to the delegation provisions subpart DD of this part. (2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

²¹ ~~The following are not delegable: (1) Approval of alternatives to the non-opacity emissions standards in §63.1003 through 63.1015, under §63.6(g). Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. (2) Reserved. (3) Approval of major changes to test methods under §63.7(e)(2)(ii) and (f) and as defined in §63.90. (4) Approval of major changes to monitoring under §63.8(f) and as defined in §63.90. (5) Approval of major changes to recordkeeping and reporting under §63.10(f) and as defined in §63.90.~~

²² ~~The following are not delegable: (1) Approval of alternatives to the non-opacity emissions standards in §63.1022 through 63.1034, under §63.6(g), and the standards for quality improvement programs in §63.1035. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. (2) Reserved. (3) Approval of major changes to test methods under §63.7(e)(2)(ii) and (f) and as defined in §63.90. (4) Approval of major changes to monitoring under §63.8(f) and as defined in §63.90. (5) Approval of major changes to recordkeeping and reporting under §63.10(f) and as defined in §63.90.~~

²³ ~~The following are not delegable: (1) Approval of alternatives to the requirements in §§63.1040 and 63.1042 through 63.1045. Where these standards reference subpart DD, the cited provisions will be delegated according to the delegation provisions of subpart DD of this part. (2) Approval of major alternatives to test methods under §63.7(e) (2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

²⁴ ~~The following are not delegable: (1) Approval of alternatives to the non-opacity emissions standards in §§63.1062 and 63.1063(a) and (b) for alternative means of emission limitation, under §63.6(g). (2) Reserved. (3) Approval of major changes to test methods under §63.7(e) (2)(ii) and (f) and as defined in §63.90. (4) Approval of major changes to monitoring under §63.8(f) and as defined in §63.90. (5) Approval of major changes to recordkeeping and reporting under §63.10(f) and as defined in §63.90.~~

ADEM Chapter 335-3-11	40 CFR Part 63	Exceptions
335-3-11-.06(51) Reserved	Reserved	
335-3-11-.06(52) Reserved	Reserved	
335-3-11-.06(53) Reserved	Reserved	
335-3-11-.06(54) Subpart CCC	Subpart CCC ²⁵	See Footnote §63.1166(c)
335-3-11-.06(55) Subpart DDD	Subpart DDD	§63.1195(c)
335-3-11-.06(56) Subpart EEE	Subpart EEE ²⁶	See Footnote §63.1214(c)
335-3-11-.06(57) Reserved	Reserved	
335-3-11-.06(58) Subpart GGG	Subpart GGG	§63.1261(c) (1)-(4)
335-3-11-.06(59) Subpart HHH	Subpart HHH ²⁷	See Footnote §63.1286(c)
335-3-11-.06(60) Subpart III	Subpart III	§63.1309(c) (1)-(4)
335-3-11-.06(61) Subpart JJJ	Subpart JJJ	§63.1336(c) (1)-(4)
335-3-11-.06(62) Reserved	Reserved	
335-3-11-.06(63) Subpart LLL	Subpart LLL	§63.1358
335-3-11-.06(64) Subpart MMM	Subpart MMM	§63.1369(c) (1)-(4)
335-3-11-.06(65) Subpart NNN	Subpart NNN	§63.1388(c)
335-3-11-.06(66) Subpart OOO	Subpart OOO	§63.1419(c) (1)-(4)
335-3-11-.06(67) Subpart PPP	Subpart PPP	§63.1421(c) (1)-(4)
335-3-11-.06(68) Reserved	Reserved	
335-3-11-.06(69) Subpart RRR	Subpart RRR	§63.1519(c) (1)-(4)
335-3-11-.06(70) Reserved	Reserved	
335-3-11-.06(71) Reserved	Reserved	
335-3-11-.06(72) Subpart UUU	Subpart UUU	§63.1578(c) (1)-(5)
335-3-11-.06(73) Subpart VVV	Subpart VVV ²⁸	See Footnote §63.1594(b)
335-3-11-.06(74) Reserved	Reserved	
335-3-11-.06(75) Subpart XXX	Subpart XXX ²⁹	See Footnote §63.1661(c)

²⁵ ~~The following are not delegable: (1) Approval of alternatives to the requirements in §§63.1155, 63.1157 through 63.1159, and 63.1160(a). (2) Approval of major alternatives to test methods under §63.7(e) (2)(ii) and (f), as defined in §63.90, and as required in~~

~~this subpart. (3) Approval of any alternative measurement methods for HCl and CL2 to those specified in §63.1161(d)(1). (4) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (5) Approval of any alternative monitoring requirements to those specified in §§63.1162(a)(2) through (5) and 63.1162(b)(1) through (3). (6) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart. (7) Waiver of recordkeeping requirements specified in §63.1165. (8) Approval of an alternative schedule for conducting performance tests to the requirement specified in §63.1162(a)(1).~~

~~26 The following are not delegable: (1) Approval of alternatives to the requirements in §§63.1200, 63.1203 through 63.1205, and 63.1206(a). (2) Approval of major alternatives to test methods under § 63.7(c)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

~~27 The following are not delegable: (1) Approval of alternatives to the requirements in §§63.1270, 63.1274 through 63.1275, 63.1281, and 63.1287. (2) Approval of major alternatives to test methods under §63.7(c)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

~~28 The following are not delegable: (1) Approval of alternatives to the requirements in §§63.1580, 63.1583 through 63.1584, and 63.1586 through 63.1587. (2) Approval of major alternatives to test methods under §63.7(c)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

~~29 The following are not delegable: (1) Approval of alternatives to the requirements in §§63.1650 and 63.1652 through 63.1654. (2) Approval of major alternatives to test methods under §63.7(c)(2)(ii) and (f), as defined in §63.90, and as required in this subpart. (3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.~~

ADEM Chapter 335-3-11**40 CFR Part 63****Exceptions**

335-3-11-.06(76) Reserved

Reserved

335-3-11-.06(77) Reserved

Reserved

335-3-11-.06(78) Subpart AAAA	Subpart AAAA	§63.1985 (c)
335-3-11-.06(79) Reserved	Reserved	
335-3-11-.06(80) Subpart CCCC	Subpart CCCC	
335-3-11-.06(81) Subpart DDDD	Subpart DDDD	§63.2291 (c)
335-3-11-.06(82) Subpart EEEE	Subpart EEEE	§63.2402 (b)
335-3-11-.06(83) Subpart FFFF	Subpart FFFF	§63.2545 (b)
335-3-11-.06(84) Subpart GGGG	Subpart GGGG	§63.2871 (c)
335-3-11-.06(85) Subpart HHHH	Subpart HHHH ³⁰	See Footnote §63.3002 (b)
335-3-11-.06(86) Subpart IIII	Subpart IIII	§63.3175 (c)
335-3-11-.06(87) Subpart JJJJ	Subpart JJJJ	§63.3420 (b)
335-3-11-.06(88) Subpart KKKK	Subpart KKKK	§63.3560 (c)
335-3-11-.06(89) Reserved	Reserved	
335-3-11-.06(90) Subpart MMMM	Subpart MMMM	§63.3980 (c)
335-3-11-.06(91) Subpart NNNN	Subpart NNNN	§63.4180 (c)
335-3-11-.06(92) Subpart OOOO	Subpart OOOO ³¹	See Footnote §63.4370 (c)
335-3-11-.06(93) Subpart PPPP	Subpart PPPP ³²	See Footnote §63.4580 (c)
335-3-11-.06(94) Subpart QQQQ	Subpart QQQQ ³³	See Footnote §63.4780 (c)
335-3-11-.06(95) Subpart RRRR	Subpart RRRR ³⁴	See Footnote §63.4980 (c)
335-3-11-.06(96) Subpart SSSS	Subpart SSSS ³⁵	See Footnote §63.5200 (c)
335-3-11-.06(97) Reserved	Reserved	

³⁰ ~~The following are not delegable: (1) The authority under §63.6(g) to approve alternatives to the emission limits in §63.2983 and operating limits in §63.2984. (2) The authority under §63.7(e) (2) (ii) and (f) to approve of major alternatives (as defined in §63.90) to the test methods in §63.2993. (3) The authority under §63.8(f) to approve major alternatives (as defined in §63.90) to the monitoring requirements in §§63.2996 and 63.2997. (4) The authority under §63.10(f) to approve major alternatives (as defined in §63.90) to recordkeeping, notification, and reporting requirements in §§63.2998 through 63.3000.~~

³¹ ~~The following are not delegable: (1) Approval of alternatives to the work practice standards in §63.4293 under §63.6(g). (2) Approval of major alternatives to test methods under §63.7(e) (2) (ii) and (f) and as defined in §63.90. (3) Approval of major~~

~~alternatives to monitoring under § 63.8(f) and as defined in §63.90. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f) and as defined in §63.90.~~

~~³² The following are not delegable: (1) Approval of alternatives to the requirements in §§63.4481 through 4483 and §§63.4490 through 4493. (2) Approval of major alternatives to test methods under §63.7(e) (2) (ii) and (f) and as defined in §63.90. (3) Approval of major alternatives to monitoring under §63.8(f) and as defined in §63.90. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f) and as defined in §63.90.~~

~~³³ The following are not delegable: (1) Approval of alternatives to the work practice standards under §63.4693. (2) Approval of major alternatives to test methods under §63.7(e) (2) (ii) and (f) and as defined in §63.90. (3) Approval of major alternatives to monitoring under §63.8(f) and as defined in §63.90. (4) Approval of major changes to recordkeeping and reporting under §63.10(f) and as defined in §63.90.~~

~~³⁴ The following are not delegable: (1) Approval of alternatives to the work practice standards in §63.4893 under §63.6(g). (2) Approval of major alternatives to test methods under §63.7(e) (2) (ii) and (f), and as defined in §63.90. (3) Approval of major alternatives to monitoring under §63.8(f) and as defined in §63.90. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f) and as defined in §63.90.~~

~~³⁵ The following are not delegable: (1) Approval of alternatives to the emission limitation in §63.5120. (2) Approval of major alternatives to test methods under §63.7(e) (2) (ii) and (f) and as defined in §63.5160. (3) Approval of major alternatives to monitoring under §63.8(f) and as defined in §63.5150. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f) and as defined in §§63.5180 and 63.5190.~~

ADEM Chapter 335-3-11	40 CFR Part 63	Exceptions
335-3-11-.06(98) Reserved	Reserved	
335-3-11-.06(99) Subpart VVVV	Subpart VVVV ³⁶	§63.5776(b)
—	—	§63.5728
—	—	§63.5731(a)
—	—	§63.5734
—	—	§63.5740(a)
—	—	§63.5743
—	—	§63.5746(g)
—	—	See Footnote
335-3-11-.06(100) Subpart WWWW	Subpart WWWW	§63.5930(c)
335-3-11-.06(101) Subpart XXXX	Subpart XXXX	§63.6021 14 (c)

335-3-11-.06(102) Subpart YYYY	Subpart YYYY	\$63.6170 (c)
335-3-11-.06(103) Subpart ZZZZ	Subpart ZZZZ	\$63.6670 (c)
335-3-11-.06(104) Subpart AAAAA	Subpart AAAAA	\$63.7141 (c)
335-3-11-.06(105) Subpart BBBBB	Subpart BBBB ³⁷	See Footnote \$63.7194 (c)
335-3-11-.06(106) Subpart CCCCC	Subpart CCCCC ³⁸	See Footnote \$63.7351 (c)
335-3-11-.06(107) Subpart DDDDD	Subpart DDDDD	\$63.7570 (b)
335-3-11-.06(108) Subpart EEEE S	Subpart EEEEE	\$63.7761 (c)
335-3-11-.06(109) Subpart FFFFF	Subpart FFFFF	\$63.7851 (c)
335-3-11-.06(110) Subpart GGGGG	Subpart GGGGG	\$63.7956 (c)
335-3-11-.06(111) Subpart HHHHH	Subpart HHHHH	\$63.8100 (b)
335-3-11-.06(112) Subpart IIIII	Subpart IIIII ³⁹	\$63.8264 (c) (1)-(5)
335-3-11-.06(113) Subpart JJJJJ	Subpart JJJJJ	\$63.8510 (c)
335-3-11-.06(114) Subpart KKKKK	Subpart KKKKK	\$63.8660 (c)
335-3-11-.06(115) Subpart LLLLL	Subpart LLLLL	\$63.8697 (b)
335-3-11-.06(116) Reserved		
335-3-11-.06(117) Subpart NNNNN	Subpart NNNNN	\$63.9070 (c)
335-3-11-.06(118) Reserved		

³⁶ ~~The following are also not delegable: Pursuant to §63.7(e)(2)(ii) and (f), the authority to approve alternatives to the test methods in §§63.5719(b), 63.5719(c), 63.5725(d)(1), and 63.5758; pursuant to §63.8(f), the authority to approve major alternatives to the monitoring requirements in §63.5725; pursuant to §63.10(f), the~~

~~authority to approve major alternatives to the reporting and recordkeeping requirements listed in §§63.5764, 63.5767, and 63.5770.~~

~~³⁷ The following are not delegable: (1) Approval of alternatives to the non-opacity emission limitations in §63.7184 under §63.6(g). (2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f) and as defined in §63.90. (3) Approval of major alternatives to monitoring under §63.8(f) and as defined in §63.90. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f) and defined in §63.90.~~

~~³⁸ The following are not delegable: (1) Approval of alternatives to work practice standards for fugitive pushing emissions in §63.7291(a) for a by-product coke oven battery with vertical flues, fugitive pushing emissions in §63.7292(a) for a by-product coke oven battery with horizontal flues, fugitive pushing emissions in §63.7293 for a non-recovery coke oven battery, soaking for a by-product coke oven battery in §63.7294(a), and quenching for a coke oven battery in §63.7295(b) under §63.6(g). (2) Approval of alternatives opacity emission limitations for a by-product coke oven battery under §63.6(h)(9). (3) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f) and as defined in §63.90, except for alternative procedures in §63.7334(a)(7). (4) Approval of major alternatives to monitoring under §63.8(f) and as defined in §63.90. (5) Approval of major alternatives to recordkeeping and reporting under §63.10(f) and as defined in §63.90. (6) Approval of the work practice plan for by-product coke oven batteries with horizontal flues submitted under §63.7292(a)(1).~~

~~³⁹ The following are not delegable: (1) Approval of alternatives under §63.6(g) to the non-opacity emission limitations in §63.8190 and work practice standards in §63.8192. (2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f) and as defined in §63.90. (3) Approval of major alternatives to monitoring under §63.8(f) and as defined in §63.90. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f) and as defined in §63.90.~~

ADEM Chapter 335-3-11	40 CFR Part 63	Exceptions
335-3-11-.06(119) Subpart P P P P P	Subpart P P P P P	§63.9370(c)
335-3-11-.06(120) Subpart Q Q Q Q Q	Subpart Q Q Q Q Q ⁴⁰	— §63.9560(c)
335-3-11-.06(121) Subpart R R R R R	Subpart R R R R R	§63.9651(c)
335-3-11-.06(122) Reserved		
335-3-11-.06(123) Subpart T T T T T	Subpart T T T T T ⁴¹	See Footnote §63.9941(c)
335-3-11-.06(124) Subpart U U U U U	Subpart U U U U U	§63.10041(b)
335-3-11-.06(125) Reserved		
335-3-11-.06(126) Reserved		
335-3-11-.06(127) Reserved		

335-3-11-.06(128)	Subpart YYYYY	Subpart YYYYY	§63.10691 (c) (1) - (6)
335-3-11-.06(129)	Subpart ZZZZZ	Subpart ZZZZZ	§63.10905 (c)
335-3-11-.06(130)	Reserved		
335-3-11-.06(131)	Reserved <u>Subpart BBBBBB</u>	<u>Subpart BBBBBB</u>	— <u>§63.11099 (c)</u>
335-3-11-.06(132)	Reserved		
335-3-11-.06(133)	Subpart DDDDD	Subpart DDDDD	
335-3-11-.06(134)	Subpart EEEEE	Subpart EEEEE ⁴²	See Footnote <u>§63.11152 (c)</u>
335-3-11-.06(135)	Subpart FFFFF	Subpart FFFFF ⁴³	See Footnote <u>§63.11159 (c)</u>
335-3-11-.06(136)	Subpart GGGGG	Subpart GGGGG ⁴⁴	See Footnote <u>§63.11168</u> <u>c) and (d)</u>
335-3-11-.06(137)	Reserved		
335-3-11-.06(138)	Reserved		
335-3-11-.06(139)	Reserved		
335-3-11-.06(140)	Reserved		
335-3-11-.06(141)	Subpart LLLLL	Subpart LLLLL	§63.11399 (b) (1) - (4)
335-3-11-.06(142)	Subpart MMMMM	Subpart MMMMM	§63.11406 (b) (1) - (4)
335-3-11-.06(143)	Reserved		

~~40 The following are not delegable: (1) Approval of alternatives to the emission limitations in §63.9500(a) and (b) under §63.6(g). (2) Approval of major alternatives to test methods under §63.7(c)(2)(ii) and (f) and as defined in §63.90. (3) Approval of major alternatives to monitoring under §63.8(f) and as defined in §63.90. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f) and as defined in §63.90.~~

~~41 The following are not delegable: (1) Approval of alternatives to the non-opacity emission limitations in §63.9890 and work practice standards in §63.9891 under §63.6(g). (2) Approval of major alternatives to test methods under §63.7(c)(2)(ii) and (f) and as defined in §63.90. (3) Approval of major alternatives to monitoring under~~

~~§63.8(f) and as defined in §63.90. (4) Approval of major alternatives to recordkeeping and reporting under §63.10(f) and as defined in §63.90.~~

~~42 The following are not delegable: (1) Approval of an alternative non-opacity emissions standard under §63.6(g). (2) Approval of an alternative opacity emissions standard under §63.6(h) (9). (3) Approval of a major change to a test method under §63.7(e) (2) (ii) and (f). A "major change to test method" is defined in §63.90. (4) Approval of a major change to monitoring under §63.8(f). A "major change to monitoring" is defined in §63.90. (5) Approval of a major change to recordkeeping/ reporting under §63.10(f). A "major change to recordkeeping/reporting" is defined in §63.90.~~

~~43 The following are not delegable: (1) Approval of an alternative non-opacity emissions standard under §63.6(g). (2) Approval of a major change to test methods under §63.7(e) (2) (ii) and (f). A "major change to test method" is defined in §63.90. (3) Approval of a major change to monitoring under §63.8(f). A "major change to monitoring" is defined in §63.90. (4) Approval of a major change to recordkeeping/ reporting under §63.10(f). A "major change to recordkeeping/reporting" is defined in §63.90.~~

~~44 For primary zinc production facilities, the following are not delegable: (1) Approval of an alternative non-opacity emissions standard under §63.6(g). (2) Approval of an alternative opacity emissions standard under §63.6(h) (9). (3) Approval of a major change to test methods under §63.7(e) (2) (ii) and (f). A "major change to test method" is defined in §63.90. (4) Approval of a major change to monitoring under §63.8(f). A "major change to monitoring" is defined in §63.90. (5) Approval of a major change to recordkeeping/reporting under §63.10(f). A "major change to recordkeeping/ reporting" is defined in §63.90. For primary beryllium manufacturing facilities, the following are not delegable: (1) Approval of an alternative non-opacity emissions standard under 40 CFR 61.12(d). (2) Approval of a major change to test methods under 40 CFR 61.13(h). A "major change to test method" is defined in §63.90. (3) Approval of a major change to monitoring under 40 CFR 61.14(g). A "major change to monitoring" is defined in §63.90. (4) Approval of a major change to recordkeeping/reporting under 40 CFR 61.10. A "major change to recordkeeping/reporting" is defined in §63.90.~~

ADEM Chapter 335-3-11

335-3-11-.06(144) Subpart OOOOOO
335-3-11-.06(145) Subpart PPPPPP
335-3-11-.06(146) Subpart QQQQQQ
335-3-11-.06(147) Reserved
335-3-11-.06(148) Reserved
335-3-11-.06(149) Subpart TTTTTT
335-3-11-.06(150) Reserved
335-3-11-.06(151) Subpart VVVVVV
335-3-11-.06(152) Reserved
335-3-11-.06(153) Reserved
335-3-11-.06(154) Subpart YYYYYY
335-3-11-.06(155) Subpart ZZZZZZ
335-3-11-.06(156) Subpart AAAAAA
335-3-11-.06(157) Reserved
335-3-11-.06(158) Subpart CCCCCC

40 CFR Part 63

Subpart OOOOOO
Subpart PPPPPP
Subpart QQQQQQ⁴⁵
Reserved
Reserved
Subpart TTTTTT
Reserved
Subpart VVVVVV
Reserved
Reserved
Subpart YYYYYY
Subpart ZZZZZZ
Subpart AAAAAA
Reserved
Subpart CCCCCC⁴⁶

Exceptions

§63.11420 (b) (1) - (4)
§63.11427 (b) (1) - (5)
~~See Footnote~~[§63.11434 \(b\)](#)

§63.11473 (c) (1) - (4)

§63.11503 (b) (1) - (4)

§63.11531 (c) (1) - (5)
§63.11557 (c) (1) - (5)
§63.11567 (b)

~~See Footnote~~[§63.11606 \(b\)](#)

335-3-11-.06(159) Subpart DDDDDDD	Subpart DDDDDDD ⁴⁷	See Footnote §63.11626(c)
335-3-11-.06(160) Reserved	Reserved	
335-3-11-.06(161) Reserved	Reserved	
335-3-11-.06(162) Reserved	Reserved	
335-3-11-.06(163) Subpart HHHHHHH	H Subpart HHHHHHH	§63.12000 (b)
335-3-11-.07(1) Appendix A	Appendix A	Sect. 2, Method 303
335-3-11-.07(2) Appendix B	Appendix B	
335-3-11-.07(3) Appendix C	Appendix C	
335-3-11-.07(4) Appendix D	Appendix D	
335-3-11-.07(5) Appendix E	Appendix E	

ADEM Chapter 335-3-11A	40 CFR Part 65	Exceptions
-------------------------------	-----------------------	-------------------

335-3-11A-.02(1) Subpart A	Subpart A	§65.8
		§65.46
		§65.102
		§65.156 (b) (1) (ii)
		§65.158 (a) (2) (ii)
335-3-11A-.02(2) Reserved		Reserved
335-3-11A-.02(3) Subpart C		Subpart C
335-3-11A-.02(4) Subpart D		Subpart D
335-3-11A-.02(5) Subpart E		Subpart E
335-3-11A-.02(6) Subpart F		Subpart F
335-3-11A-.02(7) Subpart G		Subpart G

⁴⁵ ~~The following are not delegable: (1) Approval of an alternative nonopacity emissions standard under §63.6(g). (2) Approval of a major change to test methods under §63.7(c) (2) (ii) and (f). A "major change to test method" is defined in §63.90 (3) Approval of a major change to monitoring under §63.8(f). A "major change to monitoring" is defined in §63.90. (4) Approval of a major change to recordkeeping/reporting under §63.10(f). A "major change to recordkeeping/reporting" is defined in §63.90.~~

⁴⁶ ~~The following are not delegable: (1) Approval of an alternative nonopacity emissions standard under §63.6(g). (2) Approval of a major change to test methods under §63.7(c) (2) (ii) and (f). A "major change to test method" is defined in §63.90 (3) Approval of a major change to monitoring under §63.8(f). A "major change to monitoring" is defined in §63.90. (4) Approval of a major change to recordkeeping/reporting under §63.10(f). A "major change to recordkeeping/reporting" is defined in §63.90.~~

⁴⁷ ~~The following are not delegable: (1) Approval of an alternative nonopacity emissions standard under §63.6(g). (2) Approval of an alternative opacity emissions standard under §63.6(h) (9). (3) Approval of a major change to test methods under §63.7(c) (2) (ii) and (f). A "major change to test method" is defined in §63.90. (4) Approval of a major change to monitoring under §63.8(f). A "major change to monitoring" is defined in~~

~~§63.90. (5) Approval of a major change to recordkeeping and reporting under §63.10(f).~~

~~A "major change to recordkeeping/reporting" is defined in §63.90.~~

Author: Department of Environmental Management

Statutory Authority: Code of Ala. 1975, §§22-28-10, 22-28-11, 22-28-14, 22-28-18, 22-28-20, 22-28-22, 22-22A-5, 22-22A-6, 22-22A-8.

History: **Amended:** Filed October 19, 1995; effective November 23, 1995. **Amended:** Filed August 21, 1997; effective September 25, 1997. **Amended:** Filed February 20, 1998; effective March 27, 1998. **Amended:** Filed October 15, 1998; effective November 19, 1998. **Amended:** Filed June 10, 1999; effective July 15, 1999.

Amended: Filed December 9, 1999; effective January 13, 2000.

Amended: Filed August 3, 2000; effective September 7, 2000.

Amended: Filed February 7, 2002; effective March 14, 2002.

Amended: Filed August 29, 2002; effective October 3, 2002.

Amended: Filed February 27, 2003; effective April 3, 2003.

Amended: Filed August 28, 2003; effective October 2, 2003.

Amended: Filed February 15, 2005; effective March 22, 2005.

Amended: Filed November 7, 2005; effective December 12, 2005.

Amended: Filed June 6, 2006; effective July 11, 2006. **Amended:**

Filed July 1, 2008; effective August 5, 2008. **Amended:** Filed December 15, 2008; effective January 19, 2009. **Amended:** Filed

February 23, 2010; effective March 30, 2010. **Amended:** Filed

April 18, 2011; effective May 23, 2011. **Amended:** Filed April 24,

2012; effective May 29, 2012. **Amended:** Filed December 18, 2012;

effective January 22, 2013. **Amended:** Filed April 23, 2013;

effective May 28, 2013. **Amended:** Filed August 20, 2013;

effective September 24, 2013. **Amended:** Filed October 20, 2015;

effective November 24, 2015. **Amended:** Filed April 25, 2017;

effective June 9, 2017. **Amended:** Published October 29, 2021;

effective December 13, 2021. **Amended:** Published December 29,

2023; effective February 12, 2024. **Amended:** Published August 30,

2024; effective October 14, 2024. **Amended: Published** ;

effective .

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT PLAN FOR
THE CONTROL OF EMISSIONS AT EXISTING
MUNICIPAL WASTE COMBUSTOR PLANTS**

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT PLAN FOR THE CONTROL OF EMISSIONS AT EXISTING MUNICIPAL WASTE COMBUSTOR PLANTS

Executive Summary

On December 19, 1995, the USEPA promulgated New Source Performance Standards (NSPS) for Municipal Waste Combustors (MWCs) and Emission Guidelines for Existing MWCs. The standards and guidelines established emission levels for MWC organics (dioxins/furans), MWC metals (cadmium, lead, mercury, particulate matter, and opacity), MWC acid gases (hydrogen chloride and sulfur dioxide), nitrogen oxides, and fugitive ash emissions. The Emission Guidelines (EG) implement §§111(d) and 129 of the Clean Air Act (the Act). The EG for existing MWCs were promulgated under Subpart Cb of 40 CFR 60. The EG require a State to submit a plan that will establish emission standards for existing sources when NSPS have been promulgated for a designated pollutant(s). The EG require the State to develop a plan to limit air emissions from each MWC unit located at a MWC plant that has an aggregate plant capacity to combust more than ~~35 Mg/day (38.6 Tons/day)~~ 250 tons/day of municipal solid waste, for which construction commenced on or before September 20, 1994. To fulfill the requirements, the State submitted a plan to EPA in September 1998, and it was approved on November 18, 1998 (63 FR 63988).

The plan addresses the only MWC facility presently located in Alabama, operated by the Huntsville Solid Waste Disposal Authority. The Huntsville Solid Waste Disposal Authority's MWC is located near Huntsville, Alabama, in Madison County. The facility is under the jurisdiction of the Department. The facility consists of two (2) 129.4 MMBTU/hr (345 Tons/Day) refuse boilers and four (4) gas-fired package boilers, each rated at 116.3 MMBTU/hr. The facility was granted Air Permits on October 6, 1987, for requirements applicable at that time. On October 10, 2003, the facility was granted a Major Source Operating Permit (MSOP) for the requirements applicable at that time. Only the refuse boilers are subject to this plan. The Department's plan incorporated the EG requirements into the Air Permit for the Huntsville facility.

On May 10, 2006 (71 FR 27324), the USEPA promulgated amendments to the air emissions standards for existing MWC units. The emission limits for dioxin, cadmium, lead, mercury, and particulate matter were revised. Also, compliance testing provisions have been revised. ~~The Department's plan is being proposed for revision to incorporate these amendments.~~ A new permit was issued, and the Department's plan was revised in April 2009 to include the permit.

The Huntsville Solid Waste Authority's MWCs permits were subject to renewal under Title V of the Clean Air Act. Changes to the Title V permit included incorporation of air permits associated with the addition of a liquid direct injection (LDI) system, removal of obsolete requirements associated with 40 CFR 60 Subpart Cb, incorporation of requirements for an emergency generator, incorporation of requirements relating to 40 CFR 63 Subpart DDDDD, and other revisions for clarification purposes. Revisions to the MWC State Plan are being proposed to incorporate the new permit into the State Plan.

CONTENTS OF STATE PLAN

Contents	Reference
Certification that a public hearing was held prior to adoption of the State Plan.	§60.23(f)(1)
A list of attendees at the hearing and their affiliation; summary of their presentation and handouts.	§60.23(f)(2)
Emission Standards and compliance schedules.	§60.24(a)
Test methods and procedures used for determining compliance with the emission standards.	§60.24(b)(2)
Legally enforceable increments of progress for facilities to achieve compliance.	§60.24(e)(1)
May provide that compliance schedules for individual facilities will be formulated after plan submittal, if certain procedures are followed.	§60.24(e)(2)
An inventory of all designated facilities, including emission data for the designated pollutants and information related to emissions.	§60.25(a)
Provide for monitoring a facility's compliance status as follows:	§60.25(b)
1. Legally enforceable procedures for requiring the maintenance of records and periodic reporting to the State for the determination of compliance, and	
2. Periodic inspections and testing	
Information obtained under 60.25(b) shall be correlated with applicable emission standards and made available to the public.	§60.25(c)
Show that the State has legal authority to carry out the plan.	§60.26

§60.23 Adoption and Submittal of State Plans; Public Hearings

The Department has the power to: "Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution in this state". See §22-28-10(5), Code of Alabama 1975, as amended.

Per §60.23(d), a legal notice is placed in the four regional newspapers of the State which describes the notice of the date, time and location of a public hearing. The notice describes the locations in which the material for review is located as well as procedures for obtaining copies. The Department places copies of the material for viewing in its four offices located in Decatur, Birmingham, Montgomery, and Mobile. Notification and copies of supporting materials are sent to the Regional Administrator.

The public hearing gives interested parties an opportunity to comment on the agency's proposal; however, it is not necessary for persons to be present at the hearing. Written comments are accepted during the public comment period. Pursuant to §60.23(f), the State is submitting documentation to EPA certifying that proper notice and public participation procedures were followed (copy in Appendix A).

§60.24 Emission Standards and Compliance Schedules

The Department has adopted equivalent emission standards and compliance times to the federal Emission Guidelines [40 CFR 60, Subpart Cb] in the Air Permit (copy in Appendix B). The EG supercede §60.24(f); therefore, alternative emission standards or compliance times are not allowed. Any physical or operational changes made to the existing MWC units primarily for the purpose of complying with the EG are not considered in determining whether the units are modified or reconstructed under 40 CFR 60, Subparts Ea or Eb.

The test methods and procedures for determining compliance are specified in the final permit which reference the Methods found in Appendix A of 40 CFR Part 60.

Final compliance with the revisions of the EG is expected to occur by April 28, 2009, per the EG.

§60.25 Emission Inventories, Source Surveillance, Reports.

The emission rates should be correlated to the emission standards set forth in the guidelines. The inventory is outlined in the table below.

EMISSION INVENTORY
FACILITY ID NO. 709-0104
§60.25(a)

	Existing Permitted Emissions Limits	New Emission Guidelines	Emission Limits for Revised Permit
pollutant	emission limit ²	emission limit ²	emission limit ²
PM	27.46 mg/dscm*	25 milligram/dscm	25 milligram/dscm
Hg	80.13 micrograms/dscm *	50 micrograms/ dscm or 85% reduction	50 micrograms/dscm or 85% reduction
Cd	41.19 micrograms/dscm *	35 micrograms/ dscm	35 micrograms/dscm
Pb	439.62 micrograms/dscm *	400 microgram/dscm	400 microgram/dscm
HCl	29 ppmdv*	29 ppmdv * or 95 percent reduction of hydrogen chloride emissions	29 ppmdv * or 95 percent reduction of hydrogen chloride emissions
SO ₂	29 ppmdv *	29 ppmdv * or 75 percent reduction of sulfur dioxide emissions	29 ppmdv * or 75 percent reduction of sulfur dioxide emissions
NO _x	205 ppmdv *	205 ppmdv *	205 ppmdv *
Dioxin/Furan	30 nanograms/dscm *	30 nanograms/dscm *	30 nanograms/dscm *
CO	50 ppmdv ¹	100 ppmdv *	50 ppmdv ¹

*emission limits provided in 40 CFR 60 subpart Cb promulgated on December 19, 1995

¹ BACT determination approved by the Department on August 7, 1987

² emission limits measured at 7% oxygen

Compliance status is generally accomplished by providing the following:

1. Legally enforceable procedures for requiring the maintenance of records and periodic reporting to the State for the determination of compliance; and
2. Periodic inspections, and when applicable, testing of designated facilities.

The EG contains provisions for testing, monitoring, reporting, and recordkeeping that fulfill these requirements. The State's Air Permit adopts these specifications from the EG thus fulfilling the requirements. State plans must include provisions that allow information obtained from testing, monitoring, reporting, and recordkeeping requirements of §60.25(b) to be made available to the general public. Any emission data must be correlated with applicable emission standards. ADEM Admin. Code R. 335-1-1-.06 (Availability of Records and Information) provides for the public inspection of the Department's records.

States are required under §60.25(e) and (f) to submit annual progress reports. These reports are to inform the Administrator of the progress in plan enforcement. The first report is due one year after plan approval or promulgation of a plan by EPA. The following is a list of the contents of these reports taken from §60.25(f):

1. Enforcement actions initiated against a facility during the reporting period;
2. Increments of progress;
3. Identification of facilities that have ceased operation;
4. Emission inventory data for facilities that were not in operation at the time of plan development;
5. Updated information or emission data on facilities; and
6. Copies of technical reports on all performance testing with concurrent process data.

§60.26 LEGAL AUTHORITY

The following is a discussion of the State's authority to carry out this plan. Copies of Alabama's statutes referenced are found in Appendix C.

Authority to adopt emission standards and compliance schedules applicable to designated facilities.

The Department is authorized to adopt emission requirements through regulation that are necessary to prevent, abate or control air pollution¹. See §22-28-11, Code of Alabama 1975, as amended. Section 22-28-14 specifically gives the Department the authority to adopt regulations that prescribe emissions standards. That same section generally grants the Department the authority to adopt compliance schedules to implement new or additional standards. Furthermore, §22-22A-5(10) states that the Department can issue orders citations, notices of violation, licenses, certifications or permits. Consequently, the Department may develop compliance schedules in orders or permits it is authorized to issue. Section 22-22A-5(20) states that the Department may perform any other duty that is necessary to implement and enforce the Environmental Management Act (§22-22A-1 et seq.) which incorporates the Alabama Air Pollution Control Act (§22-28-1 et seq.).

Authority to enforce applicable laws, regulations, standards, and compliance schedules, and seek injunctive relief.

Section 22-22A-5(12) states that the Department may “enforce all provisions” of the Environmental Management Act (including the Alabama Air Pollution Control Act),² including the ability to file legal actions in the name of the Department for that purpose. Furthermore, § 22-22A-5(18) grants the Department the authority to issue administrative orders or initiate legal actions that assess civil penalties for the violation of any rule, regulation or standard promulgated by the Department and for the violation of any order, permit, etc. that has been issued by the Department.

Section 22-22A-5(19) states that the Department may commence a civil action in state circuit court so as to enjoin threatened or continuing violations of the

¹ Air pollution is defined in § 22-28-2(1) as follows: “The presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life or property or would interfere with the enjoyment of life or property throughout the state and in such territories of the state as shall be affected thereby.” An air contaminant is defined as “any solid, liquid or gaseous matter, and odor or any combination thereof, from whatever source.” See § 22-28-2(2).

Alabama Air Pollution Control Act or any rule, regulation or standard promulgated by the Department and any provision of any order, permit etc. issued by the Department.

Furthermore, § 22-28-22(a) states that any person who knowingly violates or fails or refuses to comply with the Alabama Air Pollution Control Act or any regulation adopted pursuant thereto or submits false information may be convicted for said violation and be subject to imprisonment or a monetary penalty.

Authority to obtain information necessary to determine whether designated facilities are in compliance with applicable laws, regulations, standards, and compliance schedules, including authority to require recordkeeping and to make inspections and conduct tests of designated facilities.

Section 22-28-18 states that the Department may require owners and operators of air contaminant sources to maintain records and make reports to the Department as it prescribes. See also ADEM Admin. Code R. 335-3-1-.04. Section 22-28-19(b) and ADEM Admin. Code R. 335-3-1-.05 also authorize the Department to conduct tests and take samples of air contaminants, etc. from any source.² Section 22-28-19(a) states that the Department's inspectors are authorized to enter and inspect any property or premises on, or at, which an air contaminant source is located or being constructed, installed or established at any reasonable time for the purpose of ascertaining the state of compliance with the Alabama Air Pollution Control Act and the regulations adopted pursuant to that Act.

Authority to require owners or operators of designated facilities to install, maintain, and use emission monitoring devices and to make periodic reports to the State on the nature and amounts of emissions from such facilities; also authority for the State to make such data available to the public as reported and as correlated with applicable emissions standards.

² Source is defined in ADEM Admin. Code R. 335-3-1-.02(qqq) as follows: "[A]ny building, structure, facility, installation, article, machine, equipment, device, or other contrivance which emits or may emit any air contaminant. Any activity which utilizes abrasives or chemicals for cleaning or any other purpose (such as cleaning the exterior or buildings) which emits air contaminants shall be considered a source."

The Department is authorized, pursuant to § 22-28-18, to require owners and operators of air contaminant sources to install, use and maintain monitoring equipment as it may prescribe. Furthermore, as stated above, § 22-28-18 gives the Department the authority to require owners and operators of air contaminant sources to maintain records and make reports to the Department as it prescribes. Again, see also ADEM Admin. Code R. 335-3-1-.04.

Section 22-28-20 states that all records, reports or information obtained pursuant to the Alabama Air Pollution Control Act must be available to the public. The only exception to this requirement is if the information in the Department's possession would divulge production or sales figures or methods, processes or productions unique to the particular entity about which the information is requested or would tend to affect adversely the competitive position of the entity by revealing trade secrets. In those instances, the information can be considered confidential by the Department. However, emission data is not subject to the exception and the exception does not apply to federal state or local representatives that request the information for the purpose of administering federal, state or local air pollution control laws.

FEE SCHEDULE FOR AIR POLLUTION CONTROL PROGRAM (DIVISION 3) PERMITS

Applicant: Solid Waste Disposal Authority of the City of Huntsville County #: 89
ADEM #/Master ID #: 6192

Location Address: 5251 Triana Boulevard Huntsville, Alabama 35805

Facility/Permit #: 709-I104 Date Application Received: 3/27/2020

Type of Activity Associated with Permit Application	Fee per Unit	No. of Units	Total
Permit Preparation (Per Permit)	\$ 1,465		\$ -
State Regulations Only (Per Permit)	\$ 575		\$ -
Public Comment Period (Per Application)	\$ 740		\$ -
NSPS Review (Per Permit/Per NSPS)	\$ 2,795		\$ -
NESHAPS Review (Per Permit/Per NESHAP)	\$ 2,795		\$ -
112(g) Determination (Per Pollutant/Per Determination)	\$ 940		\$ -
PSD Review (Per Application)	\$ 2,410		\$ -
BACT Determination (Per Pollutant)	\$ 940		\$ -
Non- Attainment Review Submittal Fee (Per Application)	\$ 2,410		\$ -
LAER Determination (Per Permit Per Pollutant/Per Determination)	\$ 940		\$ -
Plantwide Applicability Limits (PAL) Review (Per Pollutant)	\$ 11,830		\$ -
Non-Criteria Air Pollutant Review (Per Pollutant)	\$ 1,895		\$ -
Modeling Review	\$ -		
Modeling Protocol Review	\$ 2,575		\$ -
Modeling Review	\$ 19,060		\$ -
Class 1 Modeling Review	\$ 2,575		\$ -
Emissions Inventory Preparation	\$ 1,460		\$ -
+ \$150 per point/pollutant	\$ 150		\$ -
Meteorological Data on Tape	\$ 1,085		\$ -
Adequacy Determination of Preconstruction Monitoring Network/Data	\$ 7,435		\$ -
Soil Remediation Plan Review	\$ 650		\$ -
Certification and Recertification of Asbestos Removal Contractors	\$ 740		\$ -
Name/Ownership Change	\$ 800		\$ -
+ \$150 per additional permit	\$ 150		\$ -
Greenfield Site Fee	\$ 1,610		\$ -
Public Hearing	\$ 8,450		\$ -

Total Fee Due: No Fee - Title V Renewal \$ -

Date and Amount Submitted with Application: 3/27/2020 \$ -

Amount to be Billed: \$ -

Date and Amount Received: MUR 7/10/23 \$ -

Amount to be Refunded: 0 \$ -

Prepared By: Will Bacon

Reviewed By: [Signature]

RECEIVED

JUL 10 2023

**ADEM
EDDS**

Fee Effective Date: 02-04-2016

PERMIT APPLICATION SUMMARY FORM

General Facility Information

Facility name: Solid Waste Disposal Authority of the City of Huntsville AFS(9-digit) Plant ID: 01-089-8104
Facility address: Huntsville, Alabama Date application received: 03/27/2020
Source description: Municipal Solid Waste Combustor Application number:
SIC code of major product: 4953 Permit number(s): 709-I104

Application Type/Permit Activity

- ☐ Initial issuance ☐ General permit
☐ Permit modification ☐ Conditional major
☒ Permit renewal

Facility Emissions Summary

Pollutant	Potential Emissions (tpy)
PM	142
SO ₂	528
NO _x	877
CO	181
VOC	25.20
Lead	0.609
Mercury	0.091
HCl	64.90
Sulfuric Acid Mist	15.90
Dioxins/Furans	2.21 x 10 ⁻⁵
Arsenic	0.0003
Cadmium	0.0258
Chromium	0.0019
Nickel	0.0032
Beryllium	0.0033

Compliance Summary

- ☐ Source is out of compliance ☐ Compliance schedule included
☒ Compliance certification signed

Applicable Requirements list

- ☐ NSR ☒ NSPS ☒ SIP
☒ PSD ☒ NESHAPS/MACT ☐ Other

Miscellaneous

- ☐ Acid rain source
☐ Source subject to 112(r)
☐ Source requested synthetic PTE limit to avoid major source requirement (e.g., PSD, MACT)
☐ Source subject to case-by-case 112(g) or (j) determination
☐ Source applied for federally enforceable emissions cap
☐ Source applied for a plant-wide applicability limit (PAL)
☐ Source provided terms for alternative operating scenarios
☐ Source requested terms for operational flexibility
☐ Source requested streamlining of multiple applicable requirements
☐ Source requested monitoring plan to establish periodic monitoring
☐ Application proposes new control technology
☒ Certified by responsible official
☐ Diagrams or drawings included
☐ Confidential business information (CBI) included



Alabama Department of Environmental Management
adem.alabama.gov
1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

July 5, 2023

Mr. Thomas Turner
Facility Manager
Covanta Huntsville, Inc.
5251 Triana Blvd
Huntsville, AL 35805

**Re: Facility No. 709-I104
Title V Permit Renewal**

Dear Mr. Turner:

The enclosed renewal for Major Source Operating Permit (MSOP) – Title V Permit 709-I104 is issued pursuant to the Department's air pollution control rules and regulations. The permit conditions in the previously issued Major Source Operating Permit have not been changed under this renewal Title V Permit. Especially, note the conditions that must be observed in order to remain in compliance.

A Major Source Operating Permit for this type of facility has a term of twelve (12) years, as allowed in ADEM Admin. Code r. 335-3-16-.05(b)(2). The permit will be reviewed every five (5) years during this period beginning in July of 2028. A renewal application should be submitted to the Department at least six (6) months prior to its expiration date. Please note that the expiration date is July 4, 2035.

If you have any questions or require clarification of permit conditions, please contact Mr. Will Bacon at (334) 271-7908.

Sincerely,

A handwritten signature in dark ink, appearing to be "RWG", written over a horizontal line.

Ronald W. Gore, Chief
Air Division

RWG/WAB: haw

Enclosures



MAJOR SOURCE OPERATING PERMIT

PERMITTEE: SOLID WASTE DISPOSAL AUTHORITY OF THE CITY
OF HUNTSVILLE

FACILITY NAME: HUNTSVILLE SOLID WASTE TO ENERGY FACILITY

FACILITY/PERMIT NO.: 709-1104

LOCATION: HUNTSVILLE, MADISON COUNTY, ALABAMA

In accordance with and subject to the provisions of the Alabama Air Pollution Control Act of 1971, Ala. Code §§ 22-28-1 to 22-28-23, as amended, the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-17, as amended, and rules and regulations adopted there under, and subject further to the conditions set forth in this permit, the Permittee is hereby authorized to construct, install and use the equipment, device or other article described above.

*Pursuant to the **Clean Air Act of 1990**, all conditions of this permit are federally enforceable by EPA, the Alabama Department of Environmental Management, and citizens in general. Those provisions which are not required under the **Clean Air Act of 1990** are considered to be state permit provisions and are not federally enforceable by EPA and citizens in general. Those provisions are contained in separate sections of this permit.*

Issuance Date: July 5, 2023

Effective Date: July 5, 2023

Expiration Date: July 4, 2035



Alabama Department of Environmental Management

TABLE OF CONTENTS

GENERAL PERMIT PROVISOS	1
OPERATING PERMIT SUMMARY NO. 1 (129.4 MMBTU/HR REFUSE FIRED BOILER #1) 1-1	
PROVISOS FOR 129.4 MMBTU/HR REFUSE FIRED BOILER #1.....	1-3
Section 1 – Applicability	1-3
Section 2 - Emission Standards.....	1-3
Section 3 - Compliance and Performance Test Methods and Procedures	1-7
Section 4 - Emission Monitoring	1-13
Section 5 - Recordkeeping and Reporting Requirements	1-15
OPERATING PERMIT SUMMARY NO. 2 (129.4 MMBTU/HR REFUSE FIRED BOILER #2) 2-1	
PROVISOS FOR 129.4 MMBTU/HR REFUSE FIRED BOILER #2.....	2-3
Section 1 – Applicability	2-3
Section 2 - Emission Standards.....	2-3
Section 3 - Compliance and Performance Test Methods and Procedures	2-7
Section 4 - Emission Monitoring	2-13
Section 5 - Recordkeeping and Reporting Requirements	2-15
OPERATING PERMIT SUMMARY NO. 3 (116.3 MMBTU/HR PACKAGE BOILER #1).....	3-1
PROVISOS FOR 116.3 MMBTU/HR PACKAGE BOILER #1	3-2
Section 1 – Applicability	3-2
Section 2 - Emission Standards.....	3-2
Section 3 - Compliance and Performance Test Methods and Procedures	3-3
Section 4 - Emission Monitoring	3-4
Section 5 - Recordkeeping and Reporting Requirements	3-5
OPERATING PERMIT SUMMARY NO. 4 (116.3 MMBTU/HR PACKAGE BOILER #2).....	4-1
PROVISOS FOR 116.3 MMBTU/HR PACKAGE BOILER #2	4-2
Section 1 – Applicability	4-2
Section 2 – Emission Standards.....	4-2
Section 3 – Compliance and Performance Test Methods and Procedures.....	4-3
Section 4 - Emission Monitoring	4-4
Section 5 - Recordkeeping and Reporting Requirements	4-5

OPERATING PERMIT SUMMARY NO. 5 (116.3 MMBTU/HR PACKAGE BOILER #3).....	5-1
PROVISOS FOR 116.3 MMBTU/HR PACKAGE BOILER #3	5-2
Section 1 – Applicability	5-2
Section 2 – Emission Standards	5-2
Section 3 – Compliance and Performance Test Methods and Procedures.....	5-3
Section 4 - Emission Monitoring	5-4
Section 5 - Recordkeeping and Reporting Requirements	5-5
 OPERATING PERMIT SUMMARY NO. 6 (116.3 MMBTU/HR PACKAGE BOILER #4).....	 6-1
PROVISOS FOR 116.3 MMBTU/HR PACKAGE BOILER #4	6-2
Section 1 – Applicability	6-2
Section 2 – Emission Standards	6-2
Section 3 – Compliance and Performance Test Methods and Procedures.....	6-3
Section 4 – Emission Monitoring	6-4
Section 5 – Recordkeeping and Reporting Requirements	6-5
 OPERATING PERMIT SUMMARY NO. 7 (LIME SILO #1 WITH BAGHOUSE).....	 7-1
PROVISOS FOR LIME SILO #1 WITH BAGHOUSE	7-1
Section 1 – Applicability	7-2
Section 2 – Emission Standards	7-2
Section 3 – Compliance and Performance Test Methods and Procedures.....	7-2
Section 4 - Emission Monitoring	7-2
Section 5 - Recordkeeping and Reporting Requirements	7-2
 OPERATING PERMIT SUMMARY NO. 8 (EMERGENCY GENERATOR).....	 8-1
PROVISOS FOR EMERGENCY GENERATOR	8-2
Section 1 – Applicability	8-2
Section 2 – Emission Standards	8-2
Section 3 – Compliance and Performance Test Methods and Procedures.....	8-2
Section 4 - Emission Monitoring	8-2
Section 5 - Recordkeeping and Reporting Requirements	8-2

General Permit Provisos

Federally Enforceable Provisos	Regulations
1. <u>Transfer</u> This permit is not transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another, except as provided in Rule 335-3-16-.13(1)(a)5.	Rule 335-3-16-.02(6)
2. <u>Renewals</u> An application for permit renewal shall be submitted at least six (6) months, but not more than eighteen (18) months, before the date of expiration of this permit. The source for which this permit is issued shall lose its right to operate upon the expiration of this permit unless a timely and complete renewal application has been submitted within the time constraints listed in the previous paragraph.	Rule 335-3-16-.12(2)
3. <u>Severability Clause</u> The provisions of this permit are declared to be severable and if any section, paragraph, subparagraph, subdivision, clause, or phrase of this permit shall be adjudged to be invalid or unconstitutional by any court of competent jurisdiction, the judgment shall not affect, impair, or invalidate the remainder of this permit, but shall be confined in its operation to the section, paragraph, subparagraph, subdivision, clause, or phrase of this permit that shall be directly involved in the controversy in which such judgment shall have been rendered.	Rule 335-3-16-.05(e)
4. <u>Compliance</u> (a) The permittee shall comply with all conditions of ADEM Admin. Code 335-3. Noncompliance with this permit will constitute a violation of the Clean Air Act of 1990 and ADEM Admin. Code 335-3 and may result in an enforcement action; including but not limited to, permit termination, revocation and reissuance, or modification; or denial of a permit renewal application by the permittee. (b) The permittee shall not use as a defense in an enforcement action that maintaining compliance with conditions of this permit would have required halting or reducing the permitted activity.	Rule 335-3-16-.05(f) Rule 335-3-16-.05(g)
5. <u>Termination for Cause</u>	

Federally Enforceable Provisos	Regulations
This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance will not stay any permit condition.	Rule 335-3-16-.05(h)
6. <u>Property Rights</u> The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege.	Rule 335-3-16-.05(i)
7. <u>Submission of Information</u>	
The permittee must submit to the Department, within 30 days or for such other reasonable time as the Department may set, any information that the Department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. Upon receiving a specific request, the permittee shall also furnish to the Department copies of records required to be kept by this permit.	Rule 335-3-16-.05(j)
8. <u>Economic Incentives, Marketable Permits, and Emissions Trading</u> No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.	Rule 335-3-16-.05(k)
9. <u>Certification of Truth, Accuracy, and Completeness:</u> Any application form, report, test data, monitoring data, or compliance certification submitted pursuant to this permit shall contain certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.	Rule 335-3-16-.07(a)
10. <u>Inspection and Entry</u> Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized representatives of the Alabama Department of Environmental Management and EPA to conduct the following: (a) Enter upon the permittee's premises where a source is located or emissions-related activity is conducted, or where records must be kept pursuant to the conditions of this permit; (b) Review and/or copy, at reasonable times, any records that must be kept pursuant to the conditions of this permit;	Rule 335-3-16-.07(b)

Federally Enforceable Provisos	Regulations
(c) Inspect, at reasonable times, this facility's equipment (including monitoring equipment and air pollution control equipment), practices, or operations regulated or required pursuant to this permit; (d) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or other applicable requirements.	
11. <u>Compliance Provisions</u>	
(a) The permittee shall continue to comply with the applicable requirements with which the company has certified that it is already in compliance. (b) The permittee shall comply in a timely manner with applicable requirements that become effective during the term of this permit.	Rule 335-3-16-.07(c)
12. <u>Compliance Certification</u>	
A compliance certification shall be submitted annually by December 9th.	Rule 335-3-16-.07(e)
(a) The compliance certification shall include the following: (1) The identification of each term or condition of this permit that is the basis of the certification; (2) The compliance status; (3) The method(s) or other means used for determining the compliance status of the source, currently and over the reporting period consistent with Rule 335-3-16-.05(c) (Monitoring and Recording Keeping Requirements); (4) Whether compliance has been continuous or intermittent; (5) Such other facts as the Department may require to determine the compliance status of the source; (b) The compliance certification shall be submitted to: Alabama Department of Environmental Management Air Division P.O. Box 301463 Montgomery, AL 36130-1463 and to: EPA through the Compliance and Emissions Data Reporting Interface (CEDRI) located on EPA's Central Data Exchange (CDX)	
13. <u>Reopening for Cause</u>	

Federally Enforceable Provisos	Regulations
Under any of the following circumstances, this permit will be reopened prior to the expiration of the permit: (a) Additional applicable requirements under the Clean Air Act of 1990 become applicable to the permittee with a remaining permit term of three (3) or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire.	Rule 335-3-16-.13(5)
(b) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into this permit. (c) The Department or EPA determines that this permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of this permit. (d) The Administrator or the Department determines that this permit must be revised or revoked to assure compliance with the applicable requirements.	
14. <u>Additional Rules and Regulations</u> This permit is issued on the basis of Rules and Regulations existing on the date of issuance. In the event additional Rules and Regulations are adopted, it shall be the permit holder's responsibility to comply with such rules.	§22-28-16(d), Code of Alabama 1975, as amended
15. <u>Equipment Maintenance or Breakdown</u> (a) In case of shutdown of air pollution control equipment (which operates pursuant to any permit issued by the Director) for necessary scheduled maintenance, the intent to shut down shall be reported to the Department at least twenty-four (24) hours prior to the planned shutdown, unless such shutdown is accompanied by the shutdown of the source which such equipment is intended to control. Such prior notice shall include, but is not limited to the following: (1) Identification of the specific facility to be taken out of service as well as its location and permit number; (2) The expected length of time that the air pollution control equipment will be out of service;	Rule 335-3-1-.07(1), (2)

Federally Enforceable Provisos	Regulations
(3) The nature and quantity of emissions of air contaminants likely to occur during the shutdown period; (4) Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period; (5) The reasons that it would be impossible or impractical to shut down the source operation during the maintenance period.	
(b) In the event that there is a breakdown of equipment or upset of process in such a manner as to cause, or is expected to cause, increased emissions of air contaminants which are above an applicable standard, the person responsible for such equipment shall notify the Director within 24 hours or the next working day and provide a statement giving all pertinent facts, including the estimated duration of the breakdown. The Director will be notified when the breakdown has been corrected.	
16. <u>Operation of Capture and Control Devices</u> All air pollution control devices and capture systems for which this permit is issued shall be maintained and operated at all times in a manner so as to minimize the emissions of air contaminants. Procedures for ensuring that the above equipment is properly operated and maintained so as to minimize the emission of air contaminants shall be established.	§22-28-16(d), Code of Alabama 1975, as amended
17. <u>Obnoxious Odors</u> This permit is issued with the condition that, should obnoxious odors arising from the plant operations be verified by Air Division inspectors, measures to abate the odorous emissions shall be taken upon a determination by the Alabama Department of Environmental Management that these measures are technically and economically feasible.	Rule 335-3-1-.08
18. <u>Fugitive Dust</u> (a) Precautions shall be taken to prevent fugitive dust emanating from plant roads, grounds, stockpiles, screens, dryers, hoppers, ductwork, etc. (b) Plant or haul roads and grounds will be maintained in the following manner so that dust will not become airborne: (1) By the application of water any time the surface of the road is sufficiently dry to allow the creation of dust emissions by the act of wind or vehicular traffic; or	Rule 335-3-4-.02

Federally Enforceable Provisos	Regulations
(2) By reducing the speed of vehicular traffic to a point below that at which dust emissions are created; or (3) By paving; or (4) By the application of binders to the road surface at any time the road surface is found to allow the creation of dust emissions; or (5) By any combination of the above methods which results in the prevention of dust becoming airborne from the road surface.	
19. <u>Additions and Revisions</u>	
Any modifications to this source shall comply with the modification procedures in Rules 335-3-16-.13 or 335-3-16-.14.	Rule 335-3-16-.13 and .14
20. <u>Recordkeeping Requirements</u>	
(a) Records of required monitoring information of the source shall include the following: (1) The date, place, and time of all sampling or measurements; (2) The date analyses were performed; (3) The company or entity that performed the analyses; (4) The analytical techniques or methods used; (5) The results of all analyses; and (6) The operating conditions that existed at the time of sampling or measurement. (b) Retention of records of all required monitoring data and support information of the source for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation and copies of all reports required by the permit	335-3-16-.05(c)2.
21. <u>Reporting Requirements</u>	
(a) Reports to the Department of any required monitoring shall be submitted at least every 6 months by February 1st, and August 1st of each year. All instances of deviations from permit requirements must be clearly identified in said reports. All required reports must be certified by a responsible official consistent with Rule 335-3-16-.04(9).	Rule 335-3-16-.05(c)(3)

Federally Enforceable Provisos	Regulations
(b) Deviations from permit requirements shall be reported within 48 hours or 2 working days of such deviations, including those attributable to upset conditions as defined in the permit. The report will include the probable cause of said deviations, and any corrective actions or preventive measures that were taken.	
22. <u>Emission Testing Requirements</u>	
Each point of emission which requires testing will be provided with sampling ports, ladders, platforms, and other safety equipment to facilitate testing performed in accordance with procedures established by Part 60 of Title 40 of the Code of Federal Regulations, as the same may be amended or revised. The Air Division must be notified in writing at least 10 days in advance of all emission tests to be conducted and submitted as proof of compliance with the Department's air pollution control rules and regulations. To avoid problems concerning testing methods and procedures, the following shall be included with the notification letter:	Rule 335-3-1-.05(3) and Rule 335-3-1-.04(1)
(a) The date the test crew is expected to arrive, the date and time anticipated of the start of the first run, how many and which sources are to be tested, and the names of the persons and/or testing company that will conduct the tests. (b) A complete description of each sampling train to be used, including type of media used in determining gas stream components, type of probe lining, type of filter media, and probe cleaning method and solvent to be used (if test procedures require probe cleaning). (c) A description of the process(es) to be tested including the feed rate, any operating parameters used to control or influence the operations, and the rated capacity. (d) A sketch or sketches showing sampling point locations and their relative positions to the nearest upstream and downstream gas flow disturbances	Rule 335-3-1-.04
A pretest meeting may be held at the request of the source owner or the Air Division. The necessity for such a meeting and the required attendees will be determined on a case-by-case basis. All test reports must be submitted to the Air Division within 30 days of the actual completion of the test unless an extension of time is specifically approved by the Air Division.	Rule 335-3-1-.04
23. <u>Payment of Emission Fees</u>	
Annual emission fees shall be remitted each year according to the fee schedule in ADEM Admin. Code R. 335-1-7-.04.	Rule 335-1-7-.04
24. <u>Other Reporting and Testing Requirements</u>	

Federally Enforceable Provisos	Regulations
Submission of other reports regarding monitoring records, fuel analyses, operating rates, and equipment malfunctions may be required as authorized in the Department's air pollution control rules and regulations. The Department may require emission testing at any time.	Rule 335-3-1-.04(1)
25. <u>Title VI Requirements (Refrigerants)</u> Any facility having appliances or refrigeration equipment, including air conditioning equipment, which use Class I or Class II ozone-depleting substances as listed in 40 CFR Part 82, Subpart A, Appendices A and B, shall service, repair, and maintain such equipment according to the work practices, personnel certification requirements, and certified recycling and recovery equipment specified in 40 CFR Part 82, Subpart F. No person shall knowingly vent or otherwise release any Class I or Class II substance into the environment during the repair, servicing, maintenance, or disposal of any device except as provided in 40 CFR Part 82, Subpart F. The responsible official shall comply with all reporting and recordkeeping requirements of 40 CFR 82.166. Reports shall be submitted to the US EPA and the Department as required.	335-3-16-.05(a)
26. <u>Chemical Accidental Prevention Provisions</u> If a chemical listed in Table 1 of 40 CFR Part 68.130 is present in a process in quantities greater than the threshold quantity listed in Table 1, then: (a) The owner or operator shall comply with the provisions in 40 CFR Part 68. (b) The owner or operator shall submit one of the following: (1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR Part 68 § 68.10(a) or, (2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan.	40 CFR Part 68
27. <u>Display of Permit</u> This permit shall be kept under file or on display at all times at the site where the facility for which the permit is issued is located and will make the permit readily available for inspection by any or all persons who may request to see it.	Rule 335-3-14-.01(1)(d)

Federally Enforceable Provisos	Regulations
28. <u>Circumvention</u> No person shall cause or permit the installation or use of any device or any means which, without resulting in the reduction in the total amount of air contaminant emitted, conceals or dilutes any emission of air contaminant which would otherwise violate the Division 3 rules and regulations.	Rule 335-3-1-.10
29. <u>Visible Emissions</u> Unless otherwise specified in the Unit Specific provisos of this permit, any source of particulate emissions shall not discharge more than one 6-minute average opacity greater than 20% in any 60-minute period. At no time shall any source discharge a 6-minute average opacity of particulate emissions greater than 40%. Opacity will be determined by 40 CFR Part 60, Appendix A, Method 9, unless otherwise specified in the Unit Specific provisos of this permit.	Rule 335-3-4-.01(1)
30. <u>Fuel-Burning Equipment</u> Unless otherwise specified in the Unit Specific provisos of this permit, no fuel-burning equipment may discharge particulate emissions in excess of the emissions specified in Part 335-3-4-.03. Unless otherwise specified in the Unit Specific provisos of this permit, no fuel-burning equipment may discharge sulfur dioxide emissions in excess of the emissions specified in Part 335-3-5-.01.	Rule 335-3-4-.03 Rule 335-3-5-.01
31. <u>Process Industries – General</u> Unless otherwise specified in the Unit Specific provisos of this permit, no process may discharge particulate emissions in excess of the emissions specified in Part 335-3-4-.04.	Rule 335-3-4-.04
32. <u>Averaging Time for Emission Limits</u> Unless otherwise specified in the permit, the averaging time for the emission limits listed in this permit shall be the nominal time required by the specific test method.	Rule 335-3-1-.05
33. <u>Permit Shield</u> A permit shield exists under this operating permit in accordance with ADEM Administrative Code R. 335-3-16-.10 in that compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance. The permit shield is based on the accuracy of the information supplied in Section 11 of the application for this permit. Under this shield, it has been determined that requirements listed as non-applicable in such section are not applicable to this source.	Rule 335-3-16-.10
34. <u>Compliance Assurance Monitoring (CAM)</u> Conditions (a) through (d) that follow are general conditions applicable to emissions units that are subject to the CAM requirements. Specific requirements related to each emissions	

Federally Enforceable Provisos	Regulations
unit are contained in the unit specific provisos and the attached CAM appendices.	
(a) Operation of Approved Monitoring	40 CFR 64.7
(1) <i>Commencement of operation.</i> The owner or operator shall conduct the monitoring required under this section and detailed in the unit specific provisos and CAM appendix of this permit (if required) upon issuance of the permit, or by such later date specified in the permit pursuant to §64.6(d).	
(2) <i>Proper maintenance.</i> At all times, the owner or operator shall maintain the monitoring, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.	
(3) <i>Continued operation.</i> Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the owner or operator shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of this part, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.	
(4) <i>Response to excursions or exceedances.</i> (a) Upon detecting an excursion or exceedance, the owner or operator shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range,	

Federally Enforceable Provisos**Regulations**

designated condition, or below the applicable emission limitation or standard, as applicable.

(b) Determination of whether the owner or operator has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.

- (5) *Documentation of need for improved monitoring.* After approval of monitoring under this part, if the owner or operator identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the owner or operator shall promptly notify the Department and, if necessary, submit a proposed modification to the permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.

(b) Quality Improvement Plan (QIP) Requirements

40 CFR 64.8

- (1) Based on the results of a determination made under Section 33(a)(4)(b) above, the Administrator or the permitting authority may require the owner or operator to develop and implement a QIP. Consistent with 40 CFR §64.6(c)(3), the permit may specify an appropriate threshold, such as an accumulation of exceedances or excursions exceeding 5 percent duration of a pollutant-specific emissions unit's operating time for a reporting period, for requiring the implementation of a QIP. The threshold may be set at a higher or lower percent or may rely on other criteria for purposes of indicating whether a pollutant-specific emissions unit is being maintained and operated in a manner consistent with good air pollution control practices.

(2) Elements of a QIP:

- (a) The owner or operator shall maintain a written QIP, if required, and have it available for inspection.
- (b) The plan initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the owner or operator shall modify the plan to include procedures for

Federally Enforceable Provisos**Regulations**

conducting one or more of the following actions, as appropriate:

- (i) Improved preventive maintenance practices.
- (ii) Process operation changes.
- (iii) Appropriate improvements to control methods.
- (iv) Other steps appropriate to correct control performance.
- (v) More frequent or improved monitoring (only in conjunction with one or more steps under paragraphs (2)(b)(i) through (iv) above).

- (3) If a QIP is required, the owner or operator shall develop and implement a QIP as expeditiously as practicable and shall notify the Department if the period for completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined.
- (4) Following implementation of a QIP, upon any subsequent determination pursuant to Section 33(a)(4)(b) above, the Department may require that an owner or operator make reasonable changes to the QIP if the QIP is found to have:
 - (a) Failed to address the cause of the control device performance problems; or
 - (b) Failed to provide adequate procedures for correcting control device performance problems as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.
- (5) Implementation of a QIP shall not excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the Act.

(c) Reporting and Recordkeeping Requirements

40 CFR 64.9

(1) *General reporting requirements*

- (a) On and after the date specified in Section 34(a)(1) above by which the owner or operator must use monitoring that meets the requirements of this part, the owner or operator shall submit monitoring reports to the permitting authority in accordance with ADEM Admin. Code R. 335-3-16-.05(c)3.
- (b) A report for monitoring under this part shall include, at a minimum, the information required under ADEM Admin. Code R. 335-3-16-.05(c)3. and the following information, as applicable:

Federally Enforceable Provisos**Regulations**

- (i) Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;
- (ii) Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and
- (iii) A description of the actions taken to implement a QIP ~~during the reporting period as specified in Section 33(b) above.~~ Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

(2) General recordkeeping requirements.

- (a) The owner or operator shall comply with the recordkeeping requirements specified in ADEM Admin. Code R. 335-3-16-.05(c)2.. The owner or operator shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan required pursuant to Section 33(b) above and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under this part (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).

Instead of paper records, the owner or operator may maintain records on alternative media, such as microfilm, computer files, magnetic tape disks, or microfiche, provided that the use of such alternative media allows for expeditious inspection and review, and does not conflict with other applicable recordkeeping requirements.

(d) Savings Provisions

40 CFR 64.10

(I) Nothing in this part shall:

- (a) Excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the Act. The requirements of this part shall not be used to justify the approval of monitoring less stringent than the monitoring which is required under separate legal authority and are not intended to establish minimum requirements for the purpose of determining the

Federally Enforceable Provisos	Regulations
monitoring to be imposed under separate authority under the Act, including monitoring in permits issued pursuant to title I of the Act. The purpose of this part is to require, as part of the issuance of a permit under title V of the Act, improved or new monitoring at those emissions units where monitoring requirements do not exist or are inadequate to meet the requirements of this part. (b) Restrict or abrogate the authority of the Department to impose additional or more stringent monitoring, recordkeeping, testing, or reporting requirements on any owner or operator of a source under any provision of the Act, including but not limited to sections 114(a)(1) and 504(b), or state law, as applicable. (c) Restrict or abrogate the authority of the Department to take any enforcement action under the Act for any violation of an applicable requirement or of any person to take action under section 304 of the Act.	

Operating Permit Summary No. 1 (129.4 MMBtu/hr Refuse Fired Boiler #1)

Emission Unit(s): 001
Description: 129.4 MMBtu/hr Municipal Solid Waste Combustion Unit
Operating Schedule: 8760 hours/year

This unit is subject to the following NSPSs, NESHAPs, or MACTs:

40 CFR Part 60, Subpart Cb

Pollutants Emitted:

Emission Point #	Point Description	Pollutant	Emission Limit(s)	Standard(s)
001	Boiler Stack	PM	25 milligrams per dry standard cubic meter @ 7% O ₂ , not to exceed 4.5 lb/hr	Rule 335-3-14-.04
				40 CFR 60.33b(a)(1)(i)
		SO ₂	29 ppm _{dv} @ 7% O ₂ (dry basis) or 75% DRE (by weight or volume) @ 7% O ₂ , whichever is less stringent (determined by a 24-hour daily geometric average), not to exceed 16.65 lb/hr (determined by a 24-hour rolling average)	Rule 335-3-14-.04
				40 CFR 60.33b(b)(3)(i)
		NO _x	205 ppm _{dv} @ 7% O ₂ (determined by a 24-hour daily arithmetic average), not to exceed 59.2 lb/hr (determined by a 30-day rolling average generated by a continuous emission monitor which meets the specifications in 40 CFR Part 60, Appendix B)	Rule 335-3-14-.04
				40 CFR 60.33b(d)
		CO	50 ppm _{dv} @ 7% O ₂ (determined by a 4-hour rolling average) not to exceed 7.6 lb/hr, except as provided for periods of startup and shutdown	Rule 335-3-14-.04
				40 CFR 60.34b(a)
		Mercury	50 micrograms per dry standard cubic meter @ 7% O ₂ or 85% DRE (by weight) @ 7% O ₂ , whichever is less stringent	Rule 335-3-14-.04
				40 CFR 60.33b(a)(3)
		Beryllium	7.53 x 10 ⁻⁴ lb/hr	Rule 335-3-14-.04
		Hydrogen Chloride	29 ppm _{dv} @ 7% O ₂ or 95% DRE (by weight or volume) @ 7% O ₂ , whichever is less stringent	Rule 335-3-14-.04
				40 CFR 60.33b(b)(3)(ii)

		Visible Emissions	< 5% opacity when medical waste is charged to the unit (includes the 1-hour period after discontinuing charging of medical waste). At all other times, visible emissions shall not exceed 10% opacity (determined by a 6-minute average).	Rule 335-3-14-.04
				40 CFR 60.33b(a)(1)(iii)
		Cadmium	35 micrograms per dry standard cubic meter @ 7% O ₂	Rule 335-3-14-.04
				40 CFR 60.33b(a)(2)(i)
		Lead	400 micrograms per dry standard cubic meter @ 7% O ₂	Rule 335-3-14-.04
				40 CFR 60.33b(a)(4)
		Dioxins/ Furans	30 nanograms per dry standard cubic meter @ 7% O ₂	Rule 335-3-14-.04
				40 CFR 60.33b(c)(1)(iii)
		Fugitive Ash	Visible emissions of combustion ash from the ash handling system shall not exceed 5% of observation time (9 minutes per 3 hours).	Rule 335-3-14-.04
				40 CFR 60.36b

129.4 MMBtu/hr Refuse Fired Boiler #1

Federally Enforceable Provisos	Regulations
Section 1 – Applicability 1. This source is subject to the applicable requirements of ADEM Admin. Code r. 335-3-16, “Major Source Operating Permits.” 2. This source is subject to Prevention of Significant Deterioration (PSD) emission limitations for particulate matter (PM), sulfur dioxide (SO₂), nitrogen oxide (NO_x), carbon monoxide (CO), mercury, and beryllium.	ADEM Admin. Code r. 335-3-16 ADEM Admin. Code r. 335-3-14-.04
3. This source is subject to the requirements of the General Provisions as indicated in 40 CFR Part 60, Subpart A, unless otherwise stated in 40 CFR Part 60, Subpart Cb. 4. This source is subject to 40 CFR Part 60, Subpart Cb – Emission Guidelines and Compliance Times for Large Municipal Waste Combustors That Are Constructed on or Before September 20, 1994. 5. This source is subject to the requirements of the General Provisions as indicated in 40 CFR Part 61, Subpart A, unless otherwise stated in 40 CFR Part 60, Subpart E. 6. This source is subject to 40 CFR Part 61, Subpart E – National Emission Standard for Mercury – when burning wastewater treatment plant sludge.	ADEM Admin. Code r. 335-3-10-.02(1) ADEM Admin. Code r. 335-3-16 ADEM Admin. Code r. 335-3-11-.02(1) ADEM Admin. Code r. 335-3-11-.02(4)
Section 2 - Emission Standards 1. The particulate matter (PM) emissions from this source shall be limited to 25 milligrams per dry standard cubic meter, corrected to 7% O₂, not to exceed 4.5 lb/hr. 2. The sulfur dioxide (SO₂) emissions from this source shall be limited to 29 ppm_{dv} or 75% removal efficiency (by weight or volume), corrected to 7% O₂, whichever is less stringent, as determined by a 24-hour daily geometric average. The SO₂ emission rate from this source shall not exceed 16.65 lb/hr, as determined by a 24-hour rolling average.	ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.33b(a)(1)(i) ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.33b(b)(3)(i)

129.4 MMBtu/hr Refuse Fire Boiler #1

Federally Enforceable Provisos	Regulations
Section 2 – Emission Standards (cont.)	
3. The nitrogen oxide (NO_x) emissions from this source shall be limited to 205 ppmdv, corrected to 7% O₂, as determined by a 24-hour daily arithmetic average. The NO_x emission rate from this source shall not exceed 59.2 lb/hr, as determined by a 30-day rolling average generated by a continuous emission monitoring system (CEMS), which meets the specifications in 40 CFR Part 60, Appendix B.	ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.33b(d)
4. The carbon monoxide (CO) emissions from this source shall be limited to 50 ppmdv, corrected to 7% O₂, as determined by a 4-hour rolling average. The CO emission rate from this source shall not exceed 7.6 lb/hr, except as provided for periods of startup and shutdown.	ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.34b(a)
5. The mercury emissions from this source shall be limited to 50 micrograms per dry standard cubic meter or 85% removal efficiency (by weight), corrected to 7% O₂, whichever is less stringent.	ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.33b(a)(3)
6. The beryllium emissions from this source shall be limited to 7.53×10^{-4} lb/hr.	ADEM Admin. Code r. 335-3-14-.04
7. The hydrogen chloride emissions from this source shall be limited to 29 ppmdv or 95% removal efficiency (by weight or volume), corrected to 7% O₂, whichever is less stringent.	ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.33b(b)(3)(ii)
8. The visible emissions from this source shall be less than 5% opacity when medical waste is charged to the unit, including the 1-hour period after discontinuing charging of medical waste. At all other times, visible emissions from this source shall not exceed 10% opacity, as determined by a 6-minute average.	ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.33b(a)(1)(iii)
9. The cadmium emissions from this source shall be limited to 35 micrograms per dry standard cubic meter, corrected to 7% O₂.	ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.33b(a)(2)(i)
10. The lead emissions from this source shall be limited to 400 micrograms per dry standard cubic meter, corrected to 7% O₂.	ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.33b(a)(4)

129.4 MMBtu/hr Refuse Fire Boiler #1

Federally Enforceable Provisos	Regulations
Section 2 – Emission Standards (cont.) 11. The dioxin/furan (PCDD/PCDF) emissions from this source shall not exceed 30 nanograms per dry standard cubic meter (total mass), corrected to 7% O₂. 12. The visible emissions of combustion ash from the ash handling system shall not exceed 5% of observation time (9 minutes per 3 hours).	ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.33b(c)(1)(iii) ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.36b
13. During startup, the auxiliary burner shall be in service at 100% of the burner heat input for at least one hour prior to opening the feed chute. 14. During scheduled shutdown, the auxiliary burner shall be in service at 100% of the burner heat input until the combustion process on the grate is completed. 15. Only non-hazardous solid wastes, tires, wastewater treatment plant sludge, medical waste, and landfill gas shall be accepted at the site without prior approval of the ADEM Director (Director). Only representatives approved by the Solid Waste Disposal Authority (Authority) shall deliver wastes to the tipping hall/refuse bunker. The Authority shall be responsible for ensuring that hazardous wastes are not processed at the plant site. 16. Only liquid wastes which are part of normal household waste, normal municipal waste, such as containerized liquids, internally generated wastewater as described in a letter dated May 30, 2007, from Covanta Energy, and liquid waste approved per the permit application dated January 2019 to be utilized in the liquid direct injection system shall be charged to the incinerator or processed on plant property without prior written approval by the Director. 17. The medical waste shall be unloaded from the transport onto a dedicated conveyor(s), which feeds the boiler. There shall be no onsite storage of medical waste.	ADEM Admin. Code r. 335-3-14-.04 ADEM Admin. Code r. 335-3-14-.04 ADEM Admin. Code r. 335-3-14-.04 ADEM Admin. Code r. 335-3-14-.04 ADEM Admin. Code r. 335-3-14-.04

129.4 MMBtu/hr Refuse Fire Boiler #1

Federally Enforceable Provisos	Regulations
Section 2 – Emission Standards (cont.) 18. The municipal waste combustion (MWC) unit shall not operate at a load level greater than 110% of the maximum demonstrated MWC unit load, except as specified by the following: (a) During the annual dioxin/furan or mercury performance test and the two weeks preceding the annual dioxin/furan or mercury performance test, no municipal waste combustor (MWC) load limit is applicable if the following provision is met. (i) The municipal waste combustion (MWC) unit load limit may be waived in writing by the Director for the purpose of evaluating system performance, testing new technology or control technologies, diagnostic testing, or related activities for the purpose of improving facility performance or advancing the state-of-the-art for controlling facility emissions. The MWC unit load limit continues to apply, and remains enforceable, until and unless the Director grants the waiver.	ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.53b(b)
19. The flue gas temperature at the inlet of the baghouse shall not exceed 30°F above the maximum demonstrated baghouse inlet temperature except as specified by the following: (a) During the annual dioxin/furan or mercury performance test and the two weeks preceding the annual dioxin/furan or mercury performance test, no baghouse temperature limitations are applicable if the following provision is met. (i) The baghouse inlet temperature limits may be waived in writing by the Director for the purpose of evaluating system performance, testing new technology or control technologies, diagnostic testing, or related activities for the purpose of improving facility performance or advancing the state-of-the-art for controlling facility emissions. The temperature limits continue to apply, and remains enforceable, until and unless the Director grants the waiver.	ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.53b(c)

129.4 MMBtu/hr Refuse Fire Boiler #1

Federally Enforceable Provisos	Regulations
Section 3 - Compliance and Performance Test Methods and Procedures 1. Compliance with the particulate matter (PM) emission standards shall be determined by EPA Reference Method 5 in Appendix A of 40 CFR Part 60. 2. Compliance with the sulfur dioxide (SO₂) emission standards shall be determined by EPA Reference Method 6, 6A, or 6C and EPA Reference Method 19 in Appendix A of 40 CFR Part 60.	ADEM Admin. Code r. 335-3-10-.03(1) ADEM Admin. Code r. 335-3-10-.03(1)
3. Compliance with the nitrogen oxide (NO_x) emission standards shall be determined by EPA Reference Method 7, 7A, 7C, 7D, or 7E and EPA Reference Method 19 in Appendix A of 40 CFR Part 60. 4. Compliance with the carbon monoxide (CO) emission standards shall be determined by EPA Reference Method 10, 10A, or 10B in Appendix A of 40 CFR Part 60. 5. Compliance with the mercury emission standards shall be determined by EPA Reference Method 29 in Appendix A of 40 CFR Part 60. 6. Compliance with the beryllium emission standard shall be determined by EPA Reference Method 29 in Appendix A of 40 CFR Part 60. 7. Compliance with the hydrogen chloride emission standards shall be determined by EPA Reference Method 26 or 26A in Appendix A of 40 CFR Part 60. 8. Compliance with the opacity standards shall be determined by EPA Reference Method 9 in Appendix A of 40 CFR Part 60. 9. Compliance with the cadmium emission standard shall be determined by EPA Reference Method 29 in Appendix A of 40 CFR Part 60. 10. Compliance with the lead emission standard shall be determined by EPA Reference Method 29 in Appendix A of 40 CFR Part 60.	ADEM Admin. Code r. 335-3-10-.03(1) ADEM Admin. Code r. 335-3-10-.03(1) ADEM Admin. Code r. 335-3-10-.03(1) ADEM Admin. Code r. 335-3-10-.03(1) ADEM Admin. Code r. 335-3-10-.03(1) ADEM Admin. Code r. 335-3-10-.03(1) ADEM Admin. Code r. 335-3-10-.03(1) ADEM Admin. Code r. 335-3-10-.03(1)

129.4 MMBtu/hr Refuse Fire Boiler #1

Federally Enforceable Provisos	Regulations
Section 3 - Compliance and Performance Test Methods and Procedures (cont.) 11. Compliance with the dioxin/furan (PCDD/PCDF) emissions shall be determined by EPA Reference Method 23 in Appendix A of 40 CFR Part 60. 12. Compliance with the fugitive ash emissions shall be determined by EPA Reference Method 22 in Appendix A of 40 CFR Part 60.	ADEM Admin. Code r. 335-3-10-.03(1) ADEM Admin. Code r. 335-3-10-.03(1)
13. Emission tests are to be conducted for particulates, hydrocarbons, opacity, mercury, lead, cadmium, fugitive ash, and hydrogen chloride at least once per calendar year, but no less than 9 months and no more than 15 months following the date of the most recent compliance test. The procedures and test methods shall be those specified in §60.58b. 14. Emission tests are to be conducted for dioxins/furans (PCDDs/PCDFs) on alternate units at least once per calendar year, but no less than 9 months and no more than 15 months following the date of the most recent compliance test if the emissions for each affected unit is less than or equal to 15 nanograms per dry standard cubic meter, corrected to 7% O₂, for at least two years. If the emissions exceed 15 nanograms per dry standard cubic meter, corrected to 7% O₂, then testing shall be performed on all affected units at least once per calendar year until such time that emission tests over a 2-year period indicate that dioxin/furan emissions are less than or equal to 15 nanograms per dry standard cubic meter, corrected to 7% O₂.	ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.58b ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.58b(g)

129.4 MMBtu/hr Refuse Fire Boiler #1

Federally Enforceable Provisos	Regulations
Section 3 - Compliance and Performance Test Methods and Procedures (cont.) 15. The maximum demonstrated municipal waste combustion (MWC) unit load shall be determined during the initial performance test for dioxins/furans and each subsequent performance test during which compliance with the dioxin/furan emission limits specified in this permit is achieved. The maximum demonstrated MWC unit load (steam flow rate) shall be the highest 4-hour arithmetic average load	40 CFR 60.58b(b) 40 CFR 60.58b(g)(5)(iii) 40 CFR 60.58b(i)(8)
achieved during four consecutive hours during the most recent test on this unit during which compliance with the dioxin/furan emission limit was achieved. If a subsequent dioxin/furan performance test is being performed on only one affected facility at the MWC plant, as provided in §60.58b(g)(iii), the owner operator may elect to apply the same maximum MWC unit load from the tested facility for all the similarly designed and operated affected facilities at the MWC plant. 16. The maximum demonstrated particulate matter (PM) control device temperature shall be determined during the initial performance test for dioxins/furans and each subsequent performance test during which compliance with the dioxin/furan emission limits specified in this permit is achieved. The maximum demonstrated PM control device temperature shall be the highest 4-hour arithmetic average temperature achieved during four consecutive hours during the most recent test during which compliance with the dioxin/furan emission limit was achieved. If a subsequent dioxin/furan performance test is being performed on only one affected facility at the municipal waste combustion (MWC) plant, as provided in paragraph §60.58b(g)(iii), the owner operator may elect to apply the same maximum MWC unit load from the tested facility for all the similarly designed and operated affected facilities at the MWC plant. 17. The continuous emission monitoring system's (CEMS) data acquisition unit shall automatically identify all 6-minute opacity data when medical waste is being fired, as defined by the period beginning when the medical waste conveying system commences operation and ending one hour after the conveying system's power is turned off.	40 CFR 60.33b(c) 40 CFR 60.58b(g)(5)(iii) 40 CFR 60.58b(i)(8) ADEM Admin Code r. 335-3-16-.05(c)(1)(ii)

129.4 MMBtu/hr Refuse Fire Boiler #1

Federally Enforceable Provisos	Regulations
Section 3 - Compliance and Performance Test Methods and Procedures (cont.) 18. The facility shall develop and update on a yearly basis a site-specific operating manual that at a minimum addresses the elements contained in §60.54b(e). The manual and records of training shall be kept in a readily accessible location for all persons required to undergo training. The manual and record of training shall be available for inspection upon request.	40 CFR 60.54b(e)
19. The facility shall establish a training program to review annually the operating manual with each person who has responsibilities affecting the operation of the facility including but not limited to chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel and crane/load handlers. Each person specified shall undergo the initial training no later than the day the person assumes responsibilities affecting the material waste combustion (MWC) unit operation.	40 CFR 60.54b(f)
20. The chief facility operators and the shift supervisors shall have completed full certification or shall have scheduled a full certification exam with the American Society of Mechanical Engineers (QRO-1-1994) within one year of USEPA approval of the State MWC Plan. All chief facility operators, shift supervisors, and control room operators must complete the EPA municipal waste combustor (MWC) operator training course within one year of USEPA approval of the State MWC Plan. The MWC units shall not be operated at any time unless one of the following persons is on duty and at the facility: (a) A fully certified Chief Facility Operator, or (b) A provisionally certified Chief Facility Operator who is scheduled to take the full certification exam, or (c) A fully certified Shift Supervisor, or (d) A provisionally certified Shift Supervisor who is scheduled to take the full certification exam.	40 CFR 60.54b(b) & (c)

129.4 MMBtu/hr Refuse Fire Boiler #1

Federally Enforceable Provisos	Regulations
Section 3 - Compliance and Performance Test Methods and Procedures (cont.) If both the certified chief facility operator and certified shift supervisor are unavailable, a provisionally certified control room operator on site at the municipal waste combustion unit may fulfill the certified operator requirement. Depending on the length of time that a certified chief facility operator and certified shift supervisor are away, the owner or operator of the affected facility must meet one of three criteria.	40 CFR 60.54b(b) & (c)
(i) When the certified chief facility operator and certified shift supervisor are both off site for 12 hours or less, and no other certified operator is on site, the provisionally certified control room operator may perform the duties of the certified chief facility operator or certified shift supervisor. (ii) When the certified chief facility operator and certified shift supervisor are off site for more than 12 hours, but for two weeks or less, and no other certified operator is onsite, the provisionally certified control room operator may perform the duties of the certified chief facility operator or certified shift supervisor without notice to, or approval by, the Administrator. However, the owner or operator of the affected facility must record the period when the certified chief facility operator and certified shift supervisor are off site and include that information in the annual report as specified under §60.59b(g)(5). (iii) When the certified chief facility operator and certified shift supervisor are off site for more than two weeks, and no other certified operator is on site, the provisionally certified control room operator may perform the duties of the certified chief facility operator or certified shift supervisor without approval by the Administrator. However, the owner or operator of the affected facility must take two actions:	

129.4 MMBtu/hr Refuse Fire Boiler #1

Federally Enforceable Provisos	Regulations
Section 3 - Compliance and Performance Test Methods and Procedures (cont.) (A) Notify the Administrator in writing. In the notice, state what caused the absence and what actions are being taken by the owner or operator of the facility to ensure that a certified chief facility operator or certified shift supervisor is on site as expeditiously as practicable.	40 CFR 60.54b(b) & (c)
(B) Submit a status report and corrective action summary to the Administrator every four weeks following the initial notification. If the Administrator provides notice that the status report or corrective action summary is disapproved, the municipal waste combustion unit may continue operation for 90 days, but then must cease operation. If corrective actions are taken in the 90-day period such that the Administrator withdraws the disapproval, municipal waste combustion unit operation may continue. A provisionally certified operator who is newly promoted or recently transferred to a shift supervisor position or a chief facility operator position at the municipal waste combustion unit may perform the duties of the certified chief facility operator or certified shift supervisor without notice to, or approval by, the Administrator for up to six months before taking the American Society of Mechanical Engineers (ASME) QRO certification exam.	

129.4 MMBtu/hr Refuse Fire Boiler #1

Federally Enforceable Provisos	Regulations
Section 4 – Emission Monitoring 1. Continuous monitors with recorders shall be installed, calibrated, maintained, and operated subject to the approval of the department for the following: (a) Carbon Monoxide (CO): For the purpose of CO emission monitoring, the following definitions shall apply. Startup shall be defined as commencing when the refuse boiler feed chute is opened and the	ADEM Admin. Code r. 335-3-10-.03(2) & (3)
continuous burning of municipal solid waste (MSW) begins. Shutdown shall be defined as beginning 60 minutes after the feed chute is closed (MSW feed is stopped). Periods of startup or shutdown shall not exceed 3 hours duration. (b) Oxygen (O₂): During a loss of boiler water level control or loss of combustion air control malfunction period as specified in §60.58b(a)(1)(iii), a diluent cap of 14% for O₂ or 5% for CO₂ may be used in the emissions calculations for SO₂ and NO_x. (c) Sulfur Dioxide (SO₂): One monitor shall be located upstream of the scrubber and one monitor shall be located downstream of the baghouse. For sources that have actual inlet emissions less than 100 ppmv (dry basis), the relative accuracy criterion for inlet SO₂ continuous emission monitoring systems should be no greater than 20% of the mean value of the reference method test data in terms of the units of the emission standard, or 5 ppmv (dry basis) absolute value of the mean difference between the reference method and the continuous emission monitoring systems (CEMS), whichever is greater. (d) Opacity (e) Nitrogen Oxide (NO_x) (f) Inlet gas temperature for the baghouse	ADEM Admin. Code r. 335-3-10-.03(2) & (3) 40 CFR 60.58b(b) ADEM Admin. Code r. 335-3-10-.03(2) & (3) 40 CFR 60.58b(h)(12) ADEM Admin. Code r. 335-3-10-.03(2) ADEM Admin. Code r. 335-3-10-.03(2) & (3) 40 CFR 60.58b

129.4 MMBtu/hr Refuse Fire Boiler #1

Federally Enforceable Provisos	Regulations
Section 4 – Emission Monitoring (cont.)	
(g) Carbon Injection Rate (8-hour block average): An average carbon mass feed rate in kilograms per hour or pounds per hour shall be estimated during the initial performance test for dioxin/furan emissions and each subsequent performance test for dioxin/furan emissions. If a subsequent dioxin/furan performance test is being performed on only one affected facility at the municipal waste combustion (MWC) plant, as provided in §60.58b(g)(5)(iii), the owner or operator may elect to apply the same estimated average carbon mass feed rate from the tested facility for all the similarly designed and operated affected facilities at the MWC plant.	40 CFR 60.58b(g)(5)(iii)
(h) Load (steam flow rate)	40 CFR 60.58b
2. The continuous opacity monitoring system's (COMS) data acquisition unit shall automatically identify all 6-minute opacity data when medical waste is being fired, as defined by the period beginning when the medical waste conveying system commences operation and ending one hour after the conveying system's power is turned off.	ADEM Admin. Code r. 335-3-14-.04
3. At a minimum, valid continuous emission monitoring system (CEMS) hourly averages for all other constituents shall be obtained for at least 90% of the operating hours per calendar quarter and 95% of the operating hours per calendar year. During periods of startup or shutdown, monitoring data shall be dismissed or excluded from compliance calculations, but shall be recorded and reported in accordance with the provisions of §60.59b(d)(7).	40 CFR 60.58b(a) & 40 CFR 60.59b(d)(7)

129.4 MMBtu/hr Refuse Fire Boiler #1

Federally Enforceable Provisos	Regulations
Section 5 – Recordkeeping and Reporting Requirements	
1. Test reports for all emission testing required above shall be submitted to the Department within 45 days of the completion of testing unless an extension of time is specifically approved by the Air Division.	ADEM Admin Code r. 335-3-1-.04
2. Records shall be maintained of the occurrence and duration of any startup, shutdown, and malfunction of the facility; any malfunction of the air pollution control equipment; and any periods during which a continuous monitoring device is inoperative. Records shall be maintained of all measurements, including carbon mass feed rate, inlet flue gas temperature of baghouse, annual capacity factor for natural gas and fuel oil, continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; records of names persons certified by the appropriate certification program, completing operator training, review of operating manuals and any other information as may be required by the Department or by §60.59b. Records shall be recorded in a permanent form suitable for inspection and retained in a file for at least five years following the date of such measurement, maintenance, reports, and records.	40 CFR 60.59b
3. An annual report shall be submitted semiannually on or before February 1st and August 1st of each year for data collected the previous year. The data submitted shall include a summary of data collected for all pollutants and parameters regulated in this permit as follows: (a) A list of the emission levels achieved for particulate matter (PM), opacity, cadmium, lead, mercury, dioxins/furans, hydrogen chloride, and fugitive ash achieved during the performance tests. (b) A list of the highest emission level recorded for sulfur dioxide (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), municipal waste combustion (MWC) unit load level, and particulate control device inlet temperature. (c) The highest opacity level recorded.	ADEM Admin Code r. 335-3-10-.02 & 40 CFR 60.59b(g)

129.4 MMBtu/hr Refuse Fire Boiler #1

Federally Enforceable Provisos	Regulations
Section 5 – Recordkeeping and Reporting Requirements (cont.) (d) The total number of hours per calendar quarter and hours per calendar year that valid data was not collected for sulfur dioxide (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), municipal waste combustion (MWC) unit load level, and particulate control device inlet temperature. (e) The total number of hours that data were excluded	ADEM Admin Code r. 335-3-10-.02 & 40 CFR 60.59b(g)
from calculation of the average emission concentrations for sulfur dioxide (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), municipal waste combustion (MWC) unit load level, and particulate control device inlet temperature. (f) Documentation of periods when all certified chief facility operators and certified shift supervisors are off site more than 12 hours. The report shall be submitted in accordance with all requirements of §60.59b(g). 4. Semiannual reports of the emission monitoring required in this permit shall be submitted. The reports shall include exceedances, operating time, monitor downtime, and emission limits as well as any requirements of §60.59b(h). Reports shall be submitted within thirty (30) days of the end of the six-month period for which the data is taken. 5. Records of natural gas and fuel oil utilization in this boiler shall be maintained and available for inspection upon request. 6. The facility shall maintain a copy of the waste approval and review procedures plan concerning the processing of liquid wastes in the liquid direct injection system on site and readily available for review at all times. Any changes to the plan must be submitted to the Department for review and approval prior to implementing these changes.	ADEM Admin Code r. 335-3-10-.02 & 40 CFR 60.59b(g) ADEM Admin Code r. 335-3-16-.05(c)(1)(ii) ADEM Admin Code r. 335-3-16-.05(c)(1)(ii)

Operating Permit Summary No. 2 (129.4 MMBtu/hr Refuse Fired Boiler #2)

Emission Unit(s): 002
Description: 129.4 MMBtu/hr Municipal Solid Waste Combustion Unit
Operating Schedule: 8760 hours/year

This unit is subject to the following NSPSs, NESHAPs, or MACTs:

40 CFR Part 60, Subpart Cb

Pollutants Emitted:

Emission Point #	Point Description	Pollutant	Emission Limit(s)	Standard(s)
002	Boiler Stack	PM	25 milligrams per dry standard cubic meter @ 7% O ₂ , not to exceed 4.5 lb/hr	Rule 335-3-14-.04
				40 CFR 60.33b(a)(1)(i)
		SO ₂	29 ppmdv @ 7% O ₂ (dry basis) or 75% DRE (by weight or volume) @ 7% O ₂ , whichever is less stringent (determined by a 24-hour daily geometric average), not to exceed 16.65 lb/hr (determined by a 24-hour rolling average)	Rule 335-3-14-.04
				40 CFR 60.33b(b)(3)(i)
		NO _x	205 ppmdv @ 7% O ₂ (determined by a 24-hour daily arithmetic average), not to exceed 59.2 lb/hr (determined by a 30-day rolling average generated by a continuous emission monitor which meets the specifications in 40 CFR Part 60, Appendix B)	Rule 335-3-14-.04
				40 CFR 60.33b(d)
		CO	50 ppmdv @ 7% O ₂ (determined by a 4-hour rolling average) not to exceed 7.6 lb/hr, except as provided for periods of startup and shutdown	Rule 335-3-14-.04
				40 CFR 60.34b(a)
		Mercury	50 micrograms per dry standard cubic meter @ 7% O ₂ or 85% DRE (by weight) @ 7% O ₂ , whichever is less stringent	Rule 335-3-14-.04
				40 CFR 60.33b(a)(3)
		Beryllium	7.53 x 10 ⁻⁴ lb/hr	Rule 335-3-14-.04
		Hydrogen Chloride	29 ppmdv @ 7% O ₂ or 95% DRE (by weight or volume) @ 7% O ₂ , whichever is less stringent	Rule 335-3-14-.04
				40 CFR 60.33b(b)(3)(ii)

		Visible Emissions	< 5% opacity when medical waste is charged to the unit (includes the 1-hour period after discontinuing charging of medical waste). At all other times, visible emissions shall not exceed 10% opacity (determined by a 6-minute average).	Rule 335-3-14-.04
				40 CFR 60.33b(a)(1)(iii)
		Cadmium	35 micrograms per dry standard cubic meter @ 7% O ₂	Rule 335-3-14-.04
				40 CFR 60.33b(a)(2)(i)
		Lead	400 micrograms per dry standard cubic meter @ 7% O ₂	Rule 335-3-14-.04
				40 CFR 60.33b(a)(4)
		Dioxins/ Furans	30 nanograms per dry standard cubic meter @ 7% O ₂	Rule 335-3-14-.04
				40 CFR 60.33b(c)(1)(iii)
		Fugitive Ash	Visible emissions of combustion ash from the ash handling system shall not exceed 5% of observation time (9 minutes per 3 hours).	Rule 335-3-14-.04
				40 CFR 60.36b

129.4 MMBtu/hr Refuse Fired Boiler #2

Federally Enforceable Provisos	Regulations
Section 1 – Applicability 1. This source is subject to the applicable requirements of ADEM Admin. Code r. 335-3-16, “Major Source Operating Permits.” 2. This source is subject to Prevention of Significant Deterioration (PSD) emission limitations for particulate matter (PM), sulfur dioxide (SO₂), nitrogen oxide (NO_x), carbon monoxide (CO), mercury, and beryllium.	ADEM Admin. Code r. 335-3-16 ADEM Admin. Code r. 335-3-14-.04
3. This source is subject to the requirements of the General Provisions as indicated in 40 CFR Part 60, Subpart A, unless otherwise stated in 40 CFR Part 60, Subpart Cb. 4. This source is subject to 40 CFR Part 60, Subpart Cb – Emission Guidelines and Compliance Times for Large Municipal Waste Combustors That Are Constructed on or Before September 20, 1994. 5. This source is subject to the requirements of the General Provisions as indicated in 40 CFR Part 61, Subpart A, unless otherwise stated in 40 CFR Part 60, Subpart E. 6. This source is subject to 40 CFR Part 61, Subpart E – National Emission Standard for Mercury – when burning wastewater treatment plant sludge.	ADEM Admin. Code r. 335-3-10-.02(1) ADEM Admin. Code r. 335-3-16 ADEM Admin. Code r. 335-3-11-.02(1) ADEM Admin. Code r. 335-3-11-.02(4)
Section 2 - Emission Standards 1. The particulate matter (PM) emissions from this source shall be limited to 25 milligrams per dry standard cubic meter, corrected to 7% O₂, not to exceed 4.5 lb/hr. 2. The sulfur dioxide (SO₂) emissions from this source shall be limited to 29 ppm_{dv} or 75% removal efficiency (by weight or volume), corrected to 7% O₂, whichever is less stringent, as determined by a 24-hour daily geometric average. The SO₂ emission rate from this source shall not exceed 16.65 lb/hr, as determined by a 24-hour rolling average.	ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.33b(a)(1)(i) ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.33b(b)(3)(i)

129.4 MMBtu/hr Refuse Fire Boiler #2

Federally Enforceable Provisos	Regulations
Section 2 – Emission Standards (cont.) 3. The nitrogen oxide (NO_x) emissions from this source shall be limited to 205 ppm_{dv}, corrected to 7% O₂, as determined by a 24-hour daily arithmetic average. The NO_x emission rate from this source shall not exceed 59.2 lb/hr, as determined by a 30-day rolling average generated by a continuous emission monitoring system (CEMS), which meets the specifications in 40 CFR Part 60, Appendix B.	ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.33b(d)
4. The carbon monoxide (CO) emissions from this source shall be limited to 50 ppm_{dv}, corrected to 7% O₂, as determined by a 4-hour rolling average. The CO emission rate from this source shall not exceed 7.6 lb/hr, except as provided for periods of startup and shutdown. 5. The mercury emissions from this source shall be limited to 50 micrograms per dry standard cubic meter or 85% removal efficiency (by weight), corrected to 7% O₂, whichever is less stringent. 6. The beryllium emissions from this source shall be limited to 7.53×10^{-4} lb/hr. 7. The hydrogen chloride emissions from this source shall be limited to 29 ppm_{dv} or 95% removal efficiency (by weight or volume), corrected to 7% O₂, whichever is less stringent. 8. The visible emissions from this source shall be less than 5% opacity when medical waste is charged to the unit, including the 1-hour period after discontinuing charging of medical waste. At all other times, visible emissions from this source shall not exceed 10% opacity, as determined by a 6-minute average. 9. The cadmium emissions from this source shall be limited to 35 micrograms per dry standard cubic meter, corrected to 7% O₂. 10. The lead emissions from this source shall be limited to 400 micrograms per dry standard cubic meter, corrected to 7% O₂.	ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.34b(a) ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.33b(a)(3) ADEM Admin. Code r. 335-3-14-.04 ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.33b(b)(3)(ii) ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.33b(a)(1)(iii) ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.33b(a)(2)(i) ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.33b(a)(4)

129.4 MMBtu/hr Refuse Fire Boiler #2

Federally Enforceable Provisos	Regulations
Section 2 – Emission Standards (cont.) 11. The dioxin/furan (PCDD/PCDF) emissions from this source shall not exceed 30 nanograms per dry standard cubic meter (total mass), corrected to 7% O₂. 12. The visible emissions of combustion ash from the ash handling system shall not exceed 5% of observation time (9 minutes per 3 hours).	ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.33b(c)(1)(iii) ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.36b
13. During startup, the auxiliary burner shall be in service at 100% of the burner heat input for at least one hour prior to opening the feed chute. 14. During scheduled shutdown, the auxiliary burner shall be in service at 100% of the burner heat input until the combustion process on the grate is completed. 15. Only non-hazardous solid wastes, tires, wastewater treatment plant sludge, medical waste, and landfill gas shall be accepted at the site without prior approval of the ADEM Director (Director). Only representatives approved by the Solid Waste Disposal Authority (Authority) shall deliver wastes to the tipping hall/refuse bunker. The Authority shall be responsible for ensuring that hazardous wastes are not processed at the plant site. 16. Only liquid wastes which are part of normal household waste, normal municipal waste, such as containerized liquids, internally generated wastewater as described in a letter dated May 30, 2007, from Covanta Energy, and liquid waste approved per the permit application dated January 2019 to be utilized in the liquid direct injection system shall be charged to the incinerator or processed on plant property without prior written approval by the Director. 17. The medical waste shall be unloaded from the transport onto a dedicated conveyor(s), which feeds the boiler. There shall be no onsite storage of medical waste.	ADEM Admin. Code r. 335-3-14-.04 ADEM Admin. Code r. 335-3-14-.04 ADEM Admin. Code r. 335-3-14-.04 ADEM Admin. Code r. 335-3-14-.04 ADEM Admin. Code r. 335-3-14-.04

129.4 MMBtu/hr Refuse Fire Boiler #2

Federally Enforceable Provisos	Regulations
Section 2 – Emission Standards (cont.) 18. The municipal waste combustion (MWC) unit shall not operate at a load level greater than 110% of the maximum demonstrated MWC unit load, except as specified by the following: (a) During the annual dioxin/furan or mercury performance test and the two weeks preceding the annual dioxin/furan or mercury performance test, no municipal waste combustor (MWC) load limit is applicable if the following provision is met. (i) The municipal waste combustion (MWC) unit load limit may be waived in writing by the Director for the purpose of evaluating system performance, testing new technology or control technologies, diagnostic testing, or related activities for the purpose of improving facility performance or advancing the state-of-the-art for controlling facility emissions. The MWC unit load limit continues to apply, and remains enforceable, until and unless the Director grants the waiver.	ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.53b(b)
19. The flue gas temperature at the inlet of the baghouse shall not exceed 30°F above the maximum demonstrated baghouse inlet temperature except as specified by the following: (a) During the annual dioxin/furan or mercury performance test and the two weeks preceding the annual dioxin/furan or mercury performance test, no baghouse temperature limitations are applicable if the following provision is met. (i) The baghouse inlet temperature limits may be waived in writing by the Director for the purpose of evaluating system performance, testing new technology or control technologies, diagnostic testing, or related activities for the purpose of improving facility performance or advancing the state-of-the-art for controlling facility emissions. The temperature limits continue to apply, and remains enforceable, until and unless the Director grants the waiver.	ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.53b(c)

129.4 MMBtu/hr Refuse Fire Boiler #2

Federally Enforceable Provisos	Regulations
Section 3 - Compliance and Performance Test Methods and Procedures 1. Compliance with the particulate matter (PM) emission standards shall be determined by EPA Reference Method 5 in Appendix A of 40 CFR Part 60. 2. Compliance with the sulfur dioxide (SO₂) emission standards shall be determined by EPA Reference Method 6, 6A, or 6C and EPA Reference Method 19 in Appendix A of 40 CFR Part 60.	ADEM Admin. Code r. 335-3-10-.03(1) ADEM Admin. Code r. 335-3-10-.03(1)
3. Compliance with the nitrogen oxide (NO_x) emission standards shall be determined by EPA Reference Method 7, 7A, 7C, 7D, or 7E and EPA Reference Method 19 in Appendix A of 40 CFR Part 60. 4. Compliance with the carbon monoxide (CO) emission standards shall be determined by EPA Reference Method 10, 10A, or 10B in Appendix A of 40 CFR Part 60. 5. Compliance with the mercury emission standards shall be determined by EPA Reference Method 29 in Appendix A of 40 CFR Part 60. 6. Compliance with the beryllium emission standard shall be determined by EPA Reference Method 29 in Appendix A of 40 CFR Part 60. 7. Compliance with the hydrogen chloride emission standards shall be determined by EPA Reference Method 26 or 26A in Appendix A of 40 CFR Part 60. 8. Compliance with the opacity standards shall be determined by EPA Reference Method 9 in Appendix A of 40 CFR Part 60. 9. Compliance with the cadmium emission standard shall be determined by EPA Reference Method 29 in Appendix A of 40 CFR Part 60. 10. Compliance with the lead emission standard shall be determined by EPA Reference Method 29 in Appendix A of 40 CFR Part 60.	ADEM Admin. Code r. 335-3-10-.03(1) ADEM Admin. Code r. 335-3-10-.03(1) ADEM Admin. Code r. 335-3-10-.03(1) ADEM Admin. Code r. 335-3-10-.03(1) ADEM Admin. Code r. 335-3-10-.03(1) ADEM Admin. Code r. 335-3-10-.03(1) ADEM Admin. Code r. 335-3-10-.03(1) ADEM Admin. Code r. 335-3-10-.03(1)

129.4 MMBtu/hr Refuse Fire Boiler #2

Federally Enforceable Provisos	Regulations
Section 3 - Compliance and Performance Test Methods and Procedures (cont.) 11. Compliance with the dioxin/furan (PCDD/PCDF) emissions shall be determined by EPA Reference Method 23 in Appendix A of 40 CFR Part 60. 12. Compliance with the fugitive ash emissions shall be determined by EPA Reference Method 22 in Appendix A of 40 CFR Part 60.	ADEM Admin. Code r. 335-3-10-.03(1) ADEM Admin. Code r. 335-3-10-.03(1)
13. Emission tests are to be conducted for particulates, hydrocarbons, opacity, mercury, lead, cadmium, fugitive ash, and hydrogen chloride at least once per calendar year, but no less than 9 months and no more than 15 months following the date of the most recent compliance test. The procedures and test methods shall be those specified in §60.58b. 14. Emission tests are to be conducted for dioxins/furans (PCDDs/PCDFs) on alternate units at least once per calendar year, but no less than 9 months and no more than 15 months following the date of the most recent compliance test if the emissions for each affected unit is less than or equal to 15 nanograms per dry standard cubic meter, corrected to 7% O₂, for at least two years. If the emissions exceed 15 nanograms per dry standard cubic meter, corrected to 7% O₂, then testing shall be performed on all affected units at least once per calendar year until such time that emission tests over a 2-year period indicate that dioxin/furan emissions are less than or equal to 15 nanograms per dry standard cubic meter, corrected to 7% O₂.	ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.58b ADEM Admin. Code r. 335-3-14-.04 & 40 CFR 60.58b(g)

129.4 MMBtu/hr Refuse Fire Boiler #2

Federally Enforceable Provisos	Regulations
Section 3 - Compliance and Performance Test Methods and Procedures (cont.) 15. The maximum demonstrated municipal waste combustion (MWC) unit load shall be determined during the initial performance test for dioxins/furans and each subsequent performance test during which compliance with the dioxin/furan emission limits specified in this permit is achieved. The maximum demonstrated MWC unit load (steam flow rate) shall be the highest 4-hour arithmetic average load achieved during four consecutive hours during the most recent test on this unit during which compliance with the dioxin/furan emission limit was achieved. If a subsequent dioxin/furan performance test is being performed on only one affected facility at the MWC plant, as provided in §60.58b(g)(iii), the owner operator may elect to apply the same maximum MWC unit load from the tested facility for all the similarly designed and operated affected facilities at the MWC plant.	40 CFR 60.58b(b) 40 CFR 60.58b(g)(5)(iii) 40 CFR 60.58b(i)(8)
16. The maximum demonstrated particulate matter (PM) control device temperature shall be determined during the initial performance test for dioxins/furans and each subsequent performance test during which compliance with the dioxin/furan emission limits specified in this permit is achieved. The maximum demonstrated PM control device temperature shall be the highest 4-hour arithmetic average temperature achieved during four consecutive hours during the most recent test during which compliance with the dioxin/furan emission limit was achieved. If a subsequent dioxin/furan performance test is being performed on only one affected facility at the municipal waste combustion (MWC) plant, as provided in paragraph §60.58b(g)(iii), the owner operator may elect to apply the same maximum MWC unit load from the tested facility for all the similarly designed and operated affected facilities at the MWC plant.	40 CFR 60.33b(c) 40 CFR 60.58b(g)(5)(iii) 40 CFR 60.58b(i)(8)
17. The continuous emission monitoring system's (CEMS) data acquisition unit shall automatically identify all 6-minute opacity data when medical waste is being fired, as defined by the period beginning when the medical waste conveying system commences operation and ending one hour after the conveying system's power is turned off.	ADEM Admin Code r. 335-3-16-.05(c)(1)(ii)

129.4 MMBtu/hr Refuse Fire Boiler #2

Federally Enforceable Provisos	Regulations
Section 3 - Compliance and Performance Test Methods and Procedures (cont.)	
18. The facility shall develop and update on a yearly basis a site-specific operating manual that at a minimum addresses the elements contained in §60.54b(e). The manual and records of training shall be kept in a readily accessible location for all persons required to undergo training. The manual and record of training shall be available for inspection upon request.	40 CFR 60.54b(e)
19. The facility shall establish a training program to review annually the operating manual with each person who has responsibilities affecting the operation of the facility including but not limited to chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel and crane/load handlers. Each person specified shall undergo the initial training no later than the day the person assumes responsibilities affecting the material waste combustion (MWC) unit operation.	40 CFR 60.54b(f)
20. The chief facility operators and the shift supervisors shall have completed full certification or shall have scheduled a full certification exam with the American Society of Mechanical Engineers (QRO-1-1994) within one year of USEPA approval of the State MWC Plan. All chief facility operators, shift supervisors, and control room operators must complete the EPA municipal waste combustor (MWC) operator training course within one year of USEPA approval of the State MWC Plan. The MWC units shall not be operated at any time unless one of the following persons is on duty and at the facility:	40 CFR 60.54b(b) & (c)
(a) A fully certified Chief Facility Operator, or (b) A provisionally certified Chief Facility Operator who is scheduled to take the full certification exam, or (c) A fully certified Shift Supervisor, or (d) A provisionally certified Shift Supervisor who is scheduled to take the full certification exam.	

129.4 MMBtu/hr Refuse Fire Boiler #2

Federally Enforceable Provisos	Regulations
Section 3 - Compliance and Performance Test Methods and Procedures (cont.) If both the certified chief facility operator and certified shift supervisor are unavailable, a provisionally certified control room operator on site at the municipal waste combustion unit may fulfill the certified operator requirement. Depending on the length of time that a certified chief facility operator and certified shift supervisor are away, the owner or operator of the affected facility must meet one of three criteria.	40 CFR 60.54b(b) & (c)
(i) When the certified chief facility operator and certified shift supervisor are both off site for 12 hours or less, and no other certified operator is on site, the provisionally certified control room operator may perform the duties of the certified chief facility operator or certified shift supervisor. (ii) When the certified chief facility operator and certified shift supervisor are off site for more than 12 hours, but for two weeks or less, and no other certified operator is onsite, the provisionally certified control room operator may perform the duties of the certified chief facility operator or certified shift supervisor without notice to, or approval by, the Administrator. However, the owner or operator of the affected facility must record the period when the certified chief facility operator and certified shift supervisor are off site and include that information in the annual report as specified under §60.59b(g)(5). (iii) When the certified chief facility operator and certified shift supervisor are off site for more than two weeks, and no other certified operator is on site, the provisionally certified control room operator may perform the duties of the certified chief facility operator or certified shift supervisor without approval by the Administrator. However, the owner or operator of the affected facility must take two actions:	

129.4 MMBtu/hr Refuse Fire Boiler #2

Federally Enforceable Provisos	Regulations
Section 3 - Compliance and Performance Test Methods and Procedures (cont.) (A) Notify the Administrator in writing. In the notice, state what caused the absence and what actions are being taken by the owner or operator of the facility to ensure that a certified chief facility operator or certified shift supervisor is on site as expeditiously as practicable.	40 CFR 60.54b(b) & (c)
(B) Submit a status report and corrective action summary to the Administrator every four weeks following the initial notification. If the Administrator provides notice that the status report or corrective action summary is disapproved, the municipal waste combustion unit may continue operation for 90 days, but then must cease operation. If corrective actions are taken in the 90-day period such that the Administrator withdraws the disapproval, municipal waste combustion unit operation may continue. A provisionally certified operator who is newly promoted or recently transferred to a shift supervisor position or a chief facility operator position at the municipal waste combustion unit may perform the duties of the certified chief facility operator or certified shift supervisor without notice to, or approval by, the Administrator for up to six months before taking the American Society of Mechanical Engineers (ASME) QRO certification exam.	

129.4 MMBtu/hr Refuse Fire Boiler #2

Federally Enforceable Provisos	Regulations
Section 4 – Emission Monitoring 1. Continuous monitors with recorders shall be installed, calibrated, maintained, and operated subject to the approval of the department for the following: (a) Carbon Monoxide (CO): For the purpose of CO emission monitoring, the following definitions shall apply. Startup shall be defined as commencing when the refuse boiler feed chute is opened and the	ADEM Admin. Code r. 335-3-10-.03(2) & (3)
continuous burning of municipal solid waste (MSW) begins. Shutdown shall be defined as beginning 60 minutes after the feed chute is closed (MSW feed is stopped). Periods of startup or shutdown shall not exceed 3 hours duration. (b) Oxygen (O₂): During a loss of boiler water level control or loss of combustion air control malfunction period as specified in §60.58b(a)(1)(iii), a diluent cap of 14% for O₂ or 5% for CO₂ may be used in the emissions calculations for SO₂ and NO_x. (c) Sulfur Dioxide (SO₂): One monitor shall be located upstream of the scrubber and one monitor shall be located downstream of the baghouse. For sources that have actual inlet emissions less than 100 ppmv (dry basis), the relative accuracy criterion for inlet SO₂ continuous emission monitoring systems should be no greater than 20% of the mean value of the reference method test data in terms of the units of the emission standard, or 5 ppmv (dry basis) absolute value of the mean difference between the reference method and the continuous emission monitoring systems (CEMS), whichever is greater. (d) Opacity (e) Nitrogen Oxide (NO_x) (f) Inlet gas temperature for the baghouse	ADEM Admin. Code r. 335-3-10-.03(2) & (3) 40 CFR 60.58b(b) ADEM Admin. Code r. 335-3-10-.03(2) & (3) 40 CFR 60.58b(h)(12) ADEM Admin. Code r. 335-3-10-.03(2) ADEM Admin. Code r. 335-3-10-.03(2) & (3) 40 CFR 60.58b

129.4 MMBtu/hr Refuse Fire Boiler #2

Federally Enforceable Provisos	Regulations
Section 4 – Emission Monitoring (cont.) (g) Carbon Injection Rate (8-hour block average): An average carbon mass feed rate in kilograms per hour or pounds per hour shall be estimated during the initial performance test for dioxin/furan emissions and each subsequent performance test for dioxin/furan emissions. If a subsequent dioxin/furan performance test is being performed on only one affected facility at the municipal waste combustion (MWC) plant, as provided in §60.58b(g)(5)(iii), the owner or operator may elect to apply the same estimated average carbon mass feed rate from the tested facility for all the similarly designed and operated affected facilities at the MWC plant.	40 CFR 60.58b(g)(5)(iii)
(h) Load (steam flow rate) 2. The continuous opacity monitoring system's (COMS) data acquisition unit shall automatically identify all 6-minute opacity data when medical waste is being fired, as defined by the period beginning when the medical waste conveying system commences operation and ending one hour after the conveying system's power is turned off. 3. At a minimum, valid continuous emission monitoring system (CEMS) hourly averages for all other constituents shall be obtained for at least 90% of the operating hours per calendar quarter and 95% of the operating hours per calendar year. During periods of startup or shutdown, monitoring data shall be dismissed or excluded from compliance calculations, but shall be recorded and reported in accordance with the provisions of §60.59b(d)(7).	40 CFR 60.58b ADEM Admin. Code r. 335-3-14-.04 40 CFR 60.58b(a) & 40 CFR 60.59b(d)(7)

129.4 MMBtu/hr Refuse Fire Boiler #2

Federally Enforceable Provisos	Regulations
Section 5 – Recordkeeping and Reporting Requirements	
1. Test reports for all emission testing required above shall be submitted to the Department within 45 days of the completion of testing unless an extension of time is specifically approved by the Air Division.	ADEM Admin Code r. 335-3-1-.04
2. Records shall be maintained of the occurrence and duration of any startup, shutdown, and malfunction of the facility; any malfunction of the air pollution control equipment; and any periods during which a continuous monitoring device is inoperative. Records shall be maintained of all measurements, including carbon mass feed rate, inlet flue gas temperature of baghouse, annual capacity factor for natural gas and fuel oil, continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; records of names persons certified by the appropriate certification program, completing operator training, review of operating manuals and any other information as may be required by the Department or by §60.59b. Records shall be recorded in a permanent form suitable for inspection and retained in a file for at least five years following the date of such measurement, maintenance, reports, and records.	40 CFR 60.59b
3. An annual report shall be submitted semiannually on or before February 1 st and August 1 st of each year for data collected the previous year. The data submitted shall include a summary of data collected for all pollutants and parameters regulated in this permit as follows: (a) A list of the emission levels achieved for particulate matter (PM), opacity, cadmium, lead, mercury, dioxins/furans, hydrogen chloride, and fugitive ash achieved during the performance tests. (b) A list of the highest emission level recorded for sulfur dioxide (SO ₂), nitrogen oxides (NO _x), carbon monoxide (CO), municipal waste combustion (MWC) unit load level, and particulate control device inlet temperature. (c) The highest opacity level recorded.	ADEM Admin Code r. 335-3-10-.02 & 40 CFR 60.59b(g)

129.4 MMBtu/hr Refuse Fire Boiler #2

Federally Enforceable Provisos	Regulations
Section 5 – Recordkeeping and Reporting Requirements (cont.) (d) The total number of hours per calendar quarter and hours per calendar year that valid data was not collected for sulfur dioxide (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), municipal waste combustion (MWC) unit load level, and particulate control device inlet temperature.	ADEM Admin Code r. 335-3-10-.02 & 40 CFR 60.59b(g)
(e) The total number of hours that data were excluded from calculation of the average emission concentrations for sulfur dioxide (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), municipal waste combustion (MWC) unit load level, and particulate control device inlet temperature. (f) Documentation of periods when all certified chief facility operators and certified shift supervisors are off site more than 12 hours. The report shall be submitted in accordance with all requirements of §60.59b(g).	
4. Semiannual reports of the emission monitoring required in this permit shall be submitted. The reports shall include exceedances, operating time, monitor downtime, and emission limits as well as any requirements of §60.59b(h). Reports shall be submitted within thirty (30) days of the end of the six-month period for which the data is taken.	ADEM Admin Code r. 335-3-10-.02 & 40 CFR 60.59b(g)
5. Records of natural gas and fuel oil utilization in this boiler shall be maintained and available for inspection upon request.	ADEM Admin Code r. 335-3-16-.05(c)(1)(ii)
6. The facility shall maintain a copy of the waste approval and review procedures plan concerning the processing of liquid wastes in the liquid direct injection system on site and readily available for review at all times. Any changes to the plan must be submitted to the Department for review and approval prior to implementing these changes.	ADEM Admin Code r. 335-3-16-.05(c)(1)(ii)